United Nations A/63/364

General Assembly

Distr.: General
18 September 2008

Original: English

Sixty-third session
Item 59 (a) of the provisional agenda*
Advancement of women

Improvement of the status of women in the United Nations system

Report of the Secretary-General**

Summary

In response to General Assembly resolution 62/137, the present report provides information on the status of women in the United Nations system, including up-to-date statistics, information on progress made and obstacles encountered in achieving gender balance, and recommendations for accelerating progress. It includes information on the representation of women in organizations and agencies of the United Nations system from 1 January 2005 to 31 December 2007, and in the United Nations Secretariat from 1 July 2006 to 30 June 2008. In the United Nations system, the representation of women in the Professional and higher categories increased negligibly from 36.9 to 38.4 per cent between December 2004 and December 2007, a total of 1.5 per cent — an annual average increase of 0.5 per cent. In the Secretariat, the percentage of women staff in the Professional and higher categories showed a negligible improvement of 0.2 per cent during the two-year period 1 July 2006 to 30 June 2008, increasing from 37.4 to 37.6 per cent. Challenges encountered by United Nations system entities in achieving gender balance include: inadequate accountability, monitoring and enforcement mechanisms; lack of special measures for gender equality; weak integration of focal point systems; weak implementation of flexible work arrangements; and higher attrition rates for women as compared to men. Among the recommendations for accelerating progress are senior leadership sponsorship, enhanced monitoring and accountability, and more rigorous implementation of existing policies. Although there is heightened awareness of the imperative for gender balance, reversal of the slow trend and pace towards gender parity requires urgent and intensified action.

* A/63/150 and Corr.1.

** The submission of the present report was delayed due to the unavailability of updated statistical data.

08-51093 (E) 101008

Contents

		Page
I.	Introduction	8
II.	Statistical update on progress in the representation of women staff at the Professional and higher categories in the United Nations system	8
	A. Representation of women in the Professional and higher categories with appointments of one year or more	9
	B. Promotions, appointments and separations in the Professional and higher categories	10
III.	Obstacles encountered in achieving gender balance in the United Nations system	14
	A. Major impediments to achieving gender parity at the P-4 to D-2 levels	15
	B. Gender scorecard	15
	C. Exit interviews	16
IV.	Recommendations for accelerating progress in the United Nations system	16
	A. International Civil Service Commission review of gender balance in the United Nations common system	16
	B. Report of the United Nations system Chief Executives Board for Coordination on work/life balance in the organizations of the United Nations system	17
	C. Inter-Agency Network on Women and Gender Equality	18
	D. Expert Group Meeting on Measures to Accelerate the Improvement in the Status of Women in the United Nations system	19
	E. Examples of gender balance good practice in the United Nations system	22
V.	Responsibility and accountability of the Office of Human Resources Management of the Secretariat and the United Nations System Chief Executives Board for Coordination for promoting gender balance	25
VI.	Statistical update on progress in the representation of women staff in the Secretariat	26
	A. Representation of women in the Professional and higher categories with appointments of one year or more	26
	B. Trends in the representation of women in the Professional and higher categories with appointments of one year or more, 1998 to 2008	28
	C. Appointments, promotions, lateral moves and separation of staff with appointments of one year or more in the Professional and higher categories	30
	D. Staff selection system for the Professional and D-1 levels	34
	E. Staff in peace support missions administered by the Department of Peacekeeping Operations	38
	F. Representation of women in the Professional categories on posts with special language requirements	39
	G. Representation of women on posts in the expert category	39

H. Gender distribution in the Field Service Officer category 40

I. Gender distribution of staff in the General Service and related categories 40

VII. Progress made, obstacles encountered and recommendations for achieving gender balance in the Secretariat 40

A. Eecisions and related actions of the Secretary-General's Policy Committee 40

B. Department of Peacekeeping Operations/Department of Field Support 42

C. Prohibition of discrimination, harassment, including sexual harassment, and abuse of authority 43

D. Training and career development 43

E. Spouse employment 43

F. Informal barriers 44

G. Recommendations 44

VIII. Conclusions 45

Tables

1. Comparison of gender distribution of staff in the Professional and higher categories with appointments of one year or more in the United Nations system, as at 31 December 2004 and 31 December 2007 9

2. United Nations system organizations by percentage of women staff at the Professional and higher categories, as at 31 December 2004 and 31 December 2007 10

3. Promotions by gender and grade to Professional and higher categories in the United Nations system organizations, 1 January 2005 to 31 December 2007 11

4. Appointments by gender and grade to Professional and higher categories in the United Nations system organizations, 1 January 2005 to 31 December 2007 12

5. Separation of women in the Professional and higher categories in the United Nations system, by type, category and gender, from 1 January 2005 to 31 December 2007 14

6. Comparison of gender distribution of staff in the Professional and higher categories with appointments of one year or more in the United Nations Secretariat, as at 30 June 2006 and 30 June 2008 27

7. Number of departments and offices with 20 or more Professional staff, by percentage of women with appointments of one year or more, in the United Nations Secretariat, as at 30 June 2006 and 30 June 2008 28

8. Trends in the representation of women in the Professional and higher categories with appointments of one year or more in the United Nations Secretariat, 30 June 1998 to 30 June 2008 29

9. Appointments by gender and grade to Professional and higher categories in the United Nations Secretariat, between 1 July 2006 and 30 June 2008 30

10. Trends in the appointment of women to the Professional and higher categories in the United Nations Secretariat, July 1998 to June 2008 31

11. Promotions by gender and grade to Professional and higher categories in the United Nations Secretariat, 1 July 2006 to 30 June 2008 32

12. Transfers by gender and grade to Professional and higher categories in the United Nations Secretariat, 1 July 2006 to 30 June 2008 32

13. Separation of women in the Professional and higher categories, by type, category and gender, in the United Nations Secretariat, from 1 July 2006 to 30 June 2008 34

14. Gender distribution of candidates for vacancies in the Professional and higher categories at each stage of the Galaxy staff selection process in the United Nations Secretariat, from 1 July 2006 to 30 June 2008 36

15. All staff in the expert category in the United Nations Secretariat, 30 June 2006 to 30 June 2008 39

Annexes

I. Gender distribution of staff in the Professional and higher categories in the organization of the United Nations system at Headquarters, other established offices and project posts, as at 31 December 2007 47

II. Gender distribution of staff (100 and 300 series) in the Professional and higher categories in the United Nations Secretariat by department/office and grade, as at 30 June 2008 49

Abbreviations

CTED	Counter-Terrorism Committee Executive Directorate (CTED)
DDA	Department for Disarmament Affairs
DESA	Department of Economic and Social Affairs
DGACM	Department for General Assembly and Conference Management
DM	Department of Management (Office of the Under-Secretary-General; the Office of Programme Planning, Budget and Accounts; the Office of Human Resources Management; the Office of Central Support Services; and the Office of the Capital Master Plan of the Department of Management)
DM/CMP	Capital master plan (of the Department of Management)
DM/OCSS	Office of Central Support Services (of the Department of Management)
DM/OUSG	Office of the Under-Secretary-General (of the Department of Management)
DM/OHRM	Office of Human Resources Management (of the Department of Management)
DM/OPPBA	Office of Programme Planning, Budget and Accounts (of the Department of Management)
DPA	Department of Political Affairs
DPI	Department of Public Information
DPKO	Department of Peacekeeping Operations
DPKO/DFS	Department of Peacekeeping Operations/Department of Field Support
DSS	Department of Safety and Security
ECA	Economic Commission for Africa
ECE	Economic Commission for Europe
ECLAC	Economic Commission for Latin America and the Caribbean
EOSG	Executive Office of the Secretary-General
ESCAP	Economic and Social Commission for Asia and the Pacific
ESCWA	Economic and Social Commission for Western Asia
FAO	Food and Agriculture Organization of the United Nations
IAEA	International Atomic Energy Agency

ICAO	International Civil Aviation Organization
ICJ	International Court of Justice
ICSC	International Civil Service Commission
IFAD	International Fund for Agricultural Development
ILO	International Labour Organization
ITC	International Trade Centre UNCTAD/WTO
ITC-ILO	International Training Centre of the International Labour Organization
ITU	International Telecommunication Union
OCHA	Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the United Nations High Commissioner for Human Rights
OHRLLS	Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States
OIOS	Office of Internal Oversight Services
OLA	Office of Legal Affairs
Ombudsman	Office of the United Nations Ombudsman
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNCC	United Nations Compensation Commission
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFIP	United Nations Fund for International Partnerships
UNFPA	United Nations Population Fund
UNHCR	Office of the United Nations High Commissioner for Refugees
UN-Habitat	United Nations Human Settlements Programme
UNICEF	United Nations Children's Fund
UNIDO	United Nations Industrial Development Organization
UNITAR	United Nations Institute for Training and Research

UNJSPF	Secretariat of the United Nations Joint Staff Pension Fund and the United Nations Staff Pension Committee
UNMOVIC	United Nations Monitoring, Verification and Inspection Commission
UNODC	United Nations Office on Drugs and Crime
UNOG	United Nations Office at Geneva
UNON	United Nations Office at Nairobi
UNOPS	United Nations Office for Project Services
UNOV	United Nations Office at Vienna
UPU	Universal Postal Union
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
UNU	United Nations University
WFP	World Food Programme
WHO/PAHO	Pan American Health Organization (Regional Office of the World Health Organization)
WIPO	World Intellectual Property Organization
WMO	World Meteorological Organization
WTO	World Tourism Organization

I. Introduction

1. The present report, submitted pursuant to General Assembly resolution 62/137 of 14 February 2008, provides information on the status of women in the United Nations system consisting of up-to-date statistics, information on progress made and obstacles encountered in achieving gender balance, recommendations for accelerating progress and the responsibility and accountability of the Office of Human Resources Management of the Secretariat and the secretariat of the United Nations System Chief Executives Board for Coordination for promoting gender balance. **The number and percentage of women and their function and nationalities throughout the United Nations system will be provided to Member States in the upcoming oral report of the Secretary-General to the fifty-third session of the Commission on the Status of Women, to be held in March 2009, and is available on the website of the Office of the Special Adviser on Gender Issues and Advancement of Women (OSAGI)** (www.un.org/womenwatch/osagi/fp). Information on the status of women in the entities of the United Nations system from 1 January 2005 to 31 December 2007 and in the Secretariat for the period from 1 July 2006 to 30 June 2008 is included in sections II through IV, and sections VI and VII, respectively. The conclusions, in section VIII, apply to both the United Nations system and the Secretariat.

2. In its resolution 62/137, the General Assembly expressed serious concern that this priority goal of 50/50 gender balance in the United Nations system, especially at senior and policymaking levels, with full respect for the principle of equitable geographical distribution, had not been met and that the representation of women in the United Nations system had remained almost static. The Assembly "requested the Secretary-General to review and redouble his efforts to make progress towards achieving the goal of 50/50 gender balance at all levels in the Secretariat and throughout the United Nations system .. and to ensure managerial and departmental accountability with respect to gender balance targets (resolution 62/137, para. 24)."

3. In the same resolution, the Assembly strongly encouraged Member States to identify and regularly submit more women candidates for appointment to positions in the United Nations system, especially at more senior and policymaking levels.

II. Statistical update on progress in the representation of women staff at the Professional and higher categories in the United Nations system

4. In paragraph 27 of its resolution 62/137 the General Assembly requests up-to-date statistics. Accordingly, the Office of the Special Adviser on Gender Issues and Advancement of Women requested the entities of the United Nations system to provide updated data. Information was received from all 31 entities of the United Nations system (see annex I). Where information was provided in the previous report (A/61/318) a comparison is made between that data of 31 December 2004 and 31 December 2007. Where indicators are presented for the first time (promotions, appointments and separations), the period covered is 1 January 2005 to 31 December 2007.

A. Representation of women in the Professional and higher categories with appointments of one year or more

5. The representation of women in the Professional and higher categories in the entities of the United Nations system increased by 1.5 per cent, from 36.9 to 38.4 per cent, during the three-year reporting period (see table 1). Better results were achieved at the D-1 level and above, with the representation of women at these levels increasing by nearly 1 per cent per year during the same three-year period. Women constituted 27 per cent of staff as at 31 December 2007 compared to 23.7 per cent as at 31 December 2004 at the D-1 level and above. A small increase of 1.1 per cent was registered in the P-1 to P-5 levels categories, with women constituting 39.6 per cent of staff in December 2007 as compared to 38.5 per cent in December 2004. The largest increase of 3.1 per cent occurred at the P-5 level, where women constituted 30.9 per cent of staff in 2007. Even though the percentage of women at the P-1 and P-2 levels decreased, gender balance was maintained as representation had exceeded 50/50 at those levels.

Table 1

Comparison of gender distribution of staff in the Professional and higher categories with appointments of one year or more in the United Nations system, as at 31 December 2004 and 31 December 2007

	31 December 2004			*31 December 2007*			
Level	*Men*	*Women*	*Percentage of women*	*Men*	*Women*	*Percentage of women*	*Change in percentage points (2004-2007)*
UG[a]	177	49	21.7	178	57	24.3	2.6
D-2	422	125	22.9	402	134	25.0	2.1
D-1	1 242	399	24.3	1 250	486	28.0	3.7
Subtotal	**1 841**	**573**	**23.7**	**1 830**	**677**	**27.0**	**3.3**
P-5	3 689	1 420	27.8	3 576	1 597	30.9	3.1
P-4	4 446	2 275	33.8	4 789	2 745	36.4	2.6
P-3	3 178	2 388	42.9	3 687	2 841	43.5	0.6
P-2	1 244	1 670	57.3	1 189	1 481	55.5	-1.8
P-1	111	171	60.6	65	76	53.9	-6.7
Subtotal	**12 668**	**7 924**	**38.5**	**13 306**	**8 740**	**39.6**	**1.1**
Total	**14 509**	**8 497**	**36.9**	**15 136**	**9 417**	**38.4**	**1.5**

Source: Secretariat of the United Nations System Chief Executives Board for Coordination (2004). Information provided by United Nations entities (2007).

[a] UG stands for "ungraded", e.g., Under-Secretary-General, Assistant Secretary-General, Deputy Director-General, Assistant Director-General, Director-General, Secretary-General.

6. Of the 31 United Nations entities that provided data, only 2 achieved overall gender balance among Professional staff in 2007, while 7 entities had less than 30 per cent women on their staff in 2007.

Table 2
United Nations system organizations by percentage of women staff at the Professional and higher categories, as at 31 December 2004 and 31 December 2007

Percentage of women staff	*31 December 2004*	*31 December 2007*	*Organizations and agencies 2007*
50 or above	2	2	UNFPA, UNITAR
40-49	9	9	IFAD, ICJ, ILO, IMO, UNAIDS, UNESCO,UNICEF, UNWTO, WIPO
30-39	10	13	ICAO, ICSC, ITC, ITC-ILO, ITU, PAHO, United Nations, UNHCR, UNDP, UNJSPF, UNRWA, WFP, WHO
Below 30	10	7	FAO, IAEA, UNIDO, UNOPS, UNU, UPU, WMO
Total	**31**	**31**	

Source: Secretariat of the United Nations System Chief Executives Board for Coordination (2004). Information provided by United Nations entities (2007).

7. The proportion of women United Nations resident coordinators worldwide decreased since the previous reporting period (see A/61/318, para. 7) from 32.5 per cent to 30.8 per cent, currently reversing a significant upward trend during the previous reporting period. While the percentage of women resident coordinators declined in Europe and the Commonwealth of Independent States (CIS), Africa and Asia, it increased in the Arab States and in Latin America and Caribbean. The largest decrease of 16.2 per cent was registered in Europe and the CIS region, followed by Africa and Asia and the Pacific with decreases of 7.8 and 6.5 per cent, respectively. In contrast, the proportion of women resident coordinators in the Arab States and Latin America and the Caribbean increased by 13.7 and 13.6 per cent, respectively. The highest representation of women resident coordinators is in Asia and the Pacific, with 36.4 per cent. The lowest representation is 25 per cent in Europe and CIS.

B. Promotions, appointments and separations in the Professional and higher categories

1. Promotions in the Professional and higher categories

8. Data on promotions, appointments and separations in the United Nations system are presented in the present report for the first time and cover the three-year period 1 January 2005 to 31 December 2007. The goal of gender parity in promotions was only met at the P-2 and P-3 levels in the 29 United Nations entities that provided data for the three-year period 2005-2007.[1]

[1] Out of 31 entities, the following submitted this data: FAO, IAEA, ICAO, ITC-ILO, ICJ, IFAD, ILO, IMO, ITC, ITU, PAHO, United Nations, UNAIDS, UNDP, UNFPA, UNHCR, UNESCO, UNICEF, UNIDO, UNITAR, UNJSPF, UNOPS, UNRWA, UNWTO, UPU, WFP, WHO, WIPO, WMO.

9. During the reporting period, of all promotions to the P-2 to the D-1 levels, women represented 44.8 per cent (2,051 out of 4,583) (see table 3). Women comprised 52.7 per cent of promotions to the P-3 level and only 36.7 per cent of promotions to the P-5 level. At the D-1 level, the difference was even sharper, with women comprising only 33.6 per cent of those promoted.

Table 3
Promotions by gender and grade to Professional and higher categories in the United Nations system organizations, 1 January 2005 to 31 December 2007

Level	*Men*	*Women*	*Total*	*Percentage of women*
D-1	302	153	455	33.6
Subtotal D	**302**	**153**	**455**	**33.6**
P-5	717	416	1 133	36.7
P-4	870	689	1 559	44.2
P-3	508	565	1 073	52.7
P-2	135	228	363	62.8
Subtotal P	**2 230**	**1 898**	**4 128**	**46.0**
Grand total	**2 532**	**2 051**	**4 583**	**44.8**

Source: Submissions from United Nations entities (2007).

2. Appointments in the Professional and higher categories

10. Data received from the 30 United Nations entities[2] that provided data for the three-year period 1 January 2005 to 31 December 2007 reveal that 50/50 gender balance in appointments (external recruitment) has been achieved only at the P-2 level. During the reporting period, women from the P-2 to the ungraded levels constituted 40.8 per cent (2,245 out of 5,501) of all external recruitments (see table 4). Women represented 41.9 per cent (2,068 out of 4,933) of external recruitments at the P-2 to P-5 levels versus 31.2 per cent (177 out of 568) at the D-1 level and above. The lowest proportion of women recruited was at the ungraded level, 25 per cent (28 out of 112).

[2] Out of 31 entities, the following submitted this data: FAO, IAEA, ICAO, ITC-ILO, ICJ, IFAD, ILO, IMO, ITC, ITU, PAHO, United Nations, UNAIDS, UNDP, UNFPA, UNHCR, UNESCO, UNICEF, UNIDO, UNITAR, UNJSPF, UNOPS, UNRWA, UNU, UNWTO, UPU, WFP, WHO, WIPO, WMO.

Table 4
Appointments by gender and grade to Professional and higher categories in the United Nations system organizations, 1 January 2005 to 31 December 2007

Level	*Men*	*Women*	*Total*	*Percentage of women*
UG[a]	84	28	112	25.0
D-2	107	42	149	28.2
D-1	200	107	307	34.9
Subtotal D	**391**	**177**	**568**	**31.2**
P-5	660	307	967	31.7
P-4	951	539	1 490	36.2
P-3	845	661	1 506	43.9
P-2	409	561	970	57.8
Subtotal P	**2 865**	**2 068**	**4 933**	**41.9**
Grand total	**3 256**	**2 245**	**5 501**	**40.8**

Source: Submissions from United Nations entities (2007).

[a] UG stands for "ungraded", e.g., Under-Secretary-General, Assistant Secretary-General, Deputy Director-General, Assistant Director-General, Director-General, Secretary-General.

3. Separations in the Professional and higher categories

11. A total of 7,443 staff members separated from the 29 United Nations entities[3] that provided data for the three-year period 1 January 2005 to 31 December 2007, with women accounting for 40 per cent of all separations (2,975 out of 7,443) (see table 5). Broken down by levels, women represented 23.6 per cent of those separating at the D-1 level and above (179 out of 757) and 41.8 per cent of those at the Professional level (2,796 out of 6,686).

12. The three major causes for the separation of women were appointment expiration (1,702 out of 3,969), resignation (534 out of 1,241), and retirement (382 out of 1,339). Regarding appointment expirations, women constituted 42.9 per cent of those whose appointment expired during the period 2005-2007. More specifically, they represented 20.9 per cent of appointment expirations at the D-1 level and above (31 out of 148), and 43.7 per cent of those at the Professional level (1,671 out of 3,821). Therefore, in order to increase the representation of women in the entities, active efforts to reintegrate qualified women from the pool of women who separated on account of expiry of contract are strongly needed.

13. With respect to resignations, women represented 43 per cent of those who resigned during the reporting period. Women constituted 19.8 per cent of resignations at the D-1 level and above (20 out of 101), and 45.1 per cent of those at the Professional level (514 out of 1,140). This significant proportion of women's

[3] Out of 31 entities, the following submitted this data: FAO, IAEA, ICAO, ITC-ILO, ICJ, IFAD, ILO, IMO, ITC, ITU, PAHO, United Nations, UNDP, UNFPA, UNHCR, UNESCO, UNICEF, UNIDO, UNITAR, UNJSPF, UNOPS, UNU, UNRWA, UNWTO, UPU, WFP, WHO, WIPO, WMO.

resignations calls for detailed analysis of the underlying causes of resignations to facilitate to improved retention of women within the system.

14. Women represented 28.5 per cent of those who retired during the period 2005-2007. That low proportion was consistent across levels, with women constituting 21.3 per cent of retirements at the D-1 level and above (78 out of 367) and 31.3 per cent at the Professional level (304 out of 972). By contrast, men represented 71.5 per cent (957 out of 1,339) of all retirements, while constituting 78.7 per cent of retirements at the D-1 level and above (289 out of 367) and 68.7 per cent at the Professional level (668 out of 972). This presents an opportunity for intensification of recruitment of women in order to accelerate progress towards gender parity overall and at the D-1 level and above in particular.

15. With regard to dismissal for misconduct of the 13 cases reported, none involved a woman. However, out of 18 cases of summary dismissal, 5 involved women. On the other hand, it is noteworthy that women constituted 54.5 per cent of staff who separated for health reasons (18 out of 33), 54.7 per cent of those whose post was abolished (29 out of 53), and 50 per cent of those who abandoned their post (3 out of 6).

16. In terms of attrition rates, women had a higher attrition rate than men, showing that more women were leaving the system during the reporting period. As at 31 December 2004, there was a total of 22,792 staff,[4] including 14,382 men and 8,410 women. During the period 1 January 2005 to 31 December 2007, 4,468 male and 2,975 female Professional staff separated, representing yearly attrition rates of 10.4 per cent and 11.8 per cent, respectively. Excluding those who retired, 3,511 male and 2,593 female Professional staff left, representing yearly attrition rates of 8.1 per cent and 10.3 per cent, respectively.

[4] Twenty-nine United Nations entities were considered in the calculations in order to be consistent with the previous section on separations.

Table 5
Separation of women in the Professional and higher categories in the United Nations system, by type, category and gender, from 1 January 2005 to 31 December 2007

	USG			*ASG*			*D*			*P*			*Total number of women*	*Grand total*	*Percentage of women*
Reason for separation	*M*	*F*	*Total*	*M*	*F*	*Total*	*M*	*F*	*Total*	*M*	*F*	*Total*			
Abandonment of post	0	0	0	0	0	0	0	0	0	3	3	6	3	6	50.0
Abolishment of post	0	0	0	0	0	0	1	1	2	23	28	51	29	53	54.7
Agreed termination	2	0	2	0	2	2	34	22	56	143	93	236	117	296	39.5
Appointment expiration	16	1	17	9	5	14	92	25	117	2 150	1 671	3 821	1 702	3 969	42.9
Death	2	0	2	0	0	0	4	3	7	32	10	42	13	51	25.5
Dismissal for misconduct	0	0	0	0	0	0	1	0	1	12	0	12	0	13	0.0
Inter-agency secondments	0	0	0	0	0	0	5	4	9	22	25	47	29	56	51.8
Inter-agency transfers	2	0	2	1	0	1	16	11	27	125	96	221	107	251	42.6
Resignation	4	1	5	6	4	10	71	15	86	626	514	1 140	534	1 241	43.0
Retirement	7	1	8	24	3	27	258	74	332	668	304	972	382	1 339	28.5
Summary dismissal	0	0	0	0	0	0	3	1	4	10	4	14	5	18	27.8
Termination — health	0	0	0	0	0	0	2	2	4	13	16	29	18	33	54.5
Not specified	2	0	2	3	1	4	13	3	16	63	32	95	36	117	30.8
Total	**35**	**3**	**38**	**43**	**15**	**58**	**500**	**161**	**661**	**3 890**	**2 796**	**6 686**	**2 975**	**7 443**	**40.0**
Percentage of women by category		7.9			25.9			24.4			41.8				

Source: Submissions from United Nations entities (2007).

III. Obstacles encountered in achieving gender balance in the United Nations system

17. In the context of the information in section II of this report on the overall representation of women in the United Nations system and the request in resolution 62/137 for information on obstacles encountered in achieving gender balance, United Nations entities were surveyed on the major impediments at the P-4 to D-2 levels. The results can be divided into seven broad categories: inadequate accountability, monitoring and enforcement mechanisms; lack of special measures for gender equality; the absence of or weak integration of focal point systems within departments; inflexible work arrangements; insufficient outreach; low numbers of qualified women applicants; and lack of adequate data on the causes of high attrition rates for women.

A. Major impediments to achieving gender parity at the P-4 to D-2 levels

18. Practically all entities that responded to the question on impediments to achieving gender parity at the P-4 to D-2 levels indicated that they continued to encounter obstacles.

19. Of the entities that responded, 44 per cent (11 out of 25) indicated that lack of enforcement mechanisms to hold managers accountable for achieving gender representation goals constituted a major or somewhat of an impediment to progress towards parity.

20. With respect to special measures, 40 per cent (10 out of 25) lacked special measures for achieving gender balance and considered this to be either a major or somewhat of an impediment to achievement of parity.

21. The absence of a system of focal points for women was deemed to be either a major impediment or somewhat of an impediment in 28 per cent (7 out of 25) of the entities. Seventy-two per cent (18 out of 25) of the entities implied that the system of focal points for women existed. None, however, commented on whether the system of focal points was active or genuinely integrated into the workings of entities.

22. With respect to flexible work arrangements, lack of flexibility in work arrangements was considered a major or somewhat of an impediment to the achievement of gender parity in 38.5 per cent (10 out of 26) of the entities. In contrast, 61.5 per cent (16 out of 26) of the entities indicated that flexible work arrangements were not an impediment to achieving gender parity within their entity.

23. The lack of outreach in recruitment was a major impediment for 12 per cent (3 out of 25) of the entities and 56 per cent (14 out of 25) of the entities said that it constituted somewhat of an impediment. Thirty-two per cent (8 out of 25) of the entities reported that the lack of outreach was not an impediment within their entity.

24. Among the various challenges examined, United Nations entities found inadequate numbers of female applicants to be the greatest impediment, a factor closely linked to a lack of outreach. Seventy-six per cent (19 out of 25) of the entities indicated that they did not have enough qualified female applicants for vacant posts. Of these, nine listed an inadequate number of qualified female applicants as a major impediment and ten as somewhat of an impediment to achieving gender balance. The number of qualified women applicants were not considered an impediment to only 24 per cent of the entities (6 out of 25).

B. Gender scorecard

25. Seventy per cent (21 out of 30) of the United Nations system entities reported that they did not have a gender scorecard to support the implementation of a gender policy. Of the 30 per cent (9 out of 30) of the entities that reported having a gender scorecard, less than half reported that it was in real time. Another 23.3 per cent (7 out of 30) of the entities were planning to introduce a gender scorecard. Of those, one entity was planning to introduce it during the year 2008, four by the end of the year 2009 and one in the next biennium. One of the entities did not provide a timeline. A consistent scorecard is essential to measure the effectiveness of gender policies.

C. Exit interviews

26. Most of the entities surveyed have not systematically collected data on attrition, an increasing concern. Some 63.3 per cent (19 out of 30) of the organizations reported that they did not conduct exit interviews while 36.7 per cent (11 out of 30) of the participants reported that they had a policy on interviewing those who were ending their employment relationship with the organization. Most of the entities that had this policy conducted the exit interviews in person, a method contrary to the accepted good practice of having third parties outside the entities conduct such surveys to ensure confidentiality and to gather more open and actionable results. Only 27.3 per cent (3 out of 11) of the organizations had an online questionnaire. Not all the organizations systematically analysed these exit interviews. When analysis was undertaken, it was usually the responsibility of the human resources department of the organization.

IV. Recommendations for accelerating progress in the United Nations system

A. International Civil Service Commission review of gender balance in the United Nations common system

27. At its sixty-seventh session, the International Civil Service Commission (ICSC) considered gender balance in the United Nations system on the basis of information gathered through a questionnaire (to which 21 out of 23 entities surveyed responded[5]), and the statistical database of the secretariat of the United Nations System Chief Executives Board for Coordination (CEB).

28. The report notes that gender-balanced staffing, including recruitment and retention of women, is increasingly recognized as essential to the success and effectiveness of organizations in all spheres of work and that improvement in the representation of women in the United Nations common system depends on the effective implementation of gender plans in areas including recruitment, promotion, retention, work/life policies, gender awareness, monitoring and accountability. Finally, the report concludes that special measures may be needed and that effective enforcement of existing policies coupled with real-time monitoring are required.

29. ICSC adopted the following recommendations:[6]

(a) Designate a senior-level focal point for gender issues to provide leadership in formulating appropriate plans and strategies for achieving gender balance, including responsive workforce and succession planning to provide for retirements;

---

[5] The ICSC study covered only the United Nations common system, which includes 23 entities of the United Nations system comprising the United Nations, its affiliated programmes and 13 specialized agencies. Thirty-one entities of the United Nations system are included in the other sections of the present report. The 21 entities that responded are: United Nations, UNDP, UNFPA, UNOPS, UNHCR, UNICEF, UNRWA, ILO, FAO, WFP, UNESCO, WHO, UPU, ITU, WMO, IMO, WIPO, IFAD, UNIDO, IAEA and UNWTO.

[6] Pending General Assembly review.

(b) Set realistic annual gender goals for organizations and conduct annual reviews to assess progress towards those goals;

(c) Hold managers accountable through their annual performance appraisal for achieving established gender goals;

(d) Focus on strategies for retaining women at mid-level grades of the entities;

(e) Consider granting authority to selection/promotion review bodies to overrule selection proposals when a qualified man is preferred over an equally qualified woman, as a special measure until such time that the 50/50 gender goal is met in the entities at all levels;

(f) Institute systematically designed mandatory exit interviews in all organizations;

(g) Explore the feasibility of establishing an inter-agency roster of qualified women to be available to organizations of the United Nations common system;

(h) Enforce existing gender balance policies and measures.

B. Report of the United Nations System Chief Executives Board for Coordination on work/life balance in the organizations of the United Nations system

30. In its report on work/life balance in the organizations of the United Nations system (CEB/2008/HLCM/HR11), CEB noted that work/life balance and staff well-being have become important human resource issues both in public and private sector organizations. CEB found that, when implemented, work/life balance and staff well-being held benefits for organizations owing to enhanced staff commitment and productivity, and that they were increasingly relevant to attracting, recruiting and retaining staff. However, such policies might only be implemented effectively if their use was supported by the organizations' leadership, workplace culture, infrastructure and human resources department, through active encouragement and advocacy.

31. The CEB report notes that the United Nations presents a unique set of characteristics that bring specific needs and challenges to the agenda of work/life balance and staff well-being. On average, 85 per cent of United Nations staff members are expatriates, and in some entities the figure is close to 95 per cent (ibid., para. 20). In addition, many United Nations staff in high-mobility entities have dual-career families, resulting in additional pressure. Furthermore, an expected surge of retirements over the next five years will leave an enormous gap in skilled and experienced staff, making effective implementation of work/life balance all the more important.

32. The CEB analysis of work/life balance/staff well-being within the United Nations system divides policies into three areas: flexibility of time (e.g., flexi-time, part-time work); flexibility of location (e.g., telecommuting); and policies that support work/life balance/staff well-being in general (e.g., rest and recuperation, basic security training). The report indicates that flexible working arrangements have been almost uniformly adopted across the system (96 per cent) and that general

work/life balance/staff well-being policies are mandatory in many organizations. In fact, together with staff counselling and/or staff outreach support and stress management, general work/life balance policies make up the bulk of the work/life balance/staff well-being programmes. A notable gap is the small percentage of childcare facilities that are made available, although this is identified as one of the most effective means of facilitating work/life balance (see para. 42 of the report).

33. However, the CEB report found that flexibility with respect to employee's location (telecommuting) had only been supported by 11[7] of the organizations providing information. This meant that an important, low-cost and high-yield work/life balance policy had potentially been overlooked. Owing to decreasing costs of computer technology and connectivity, telecommuting could reap great rewards for organizations with small human resources budgets. Most entities had in place the technological capacity to allow telecommuting as the same infrastructure that supports travel duty enabled telecommuting. Low usage of telecommuting might therefore be explained by the fact that it was not seen as an acceptable and routine work method. Implementing telecommuting effectively requires a strong communication strategy to raise awareness of the policy and encourage all staff members to use it.

34. The report concludes, inter alia, regarding telecommuting, that in order to effectively manage departments where work/life balance is honoured, managers need to manage outputs and not hours behind the desk. "When a significant amount of work is done outside the sight range of managers, it creates a new dynamic with regards to staff performance management. This greater autonomy and accountability is usually rewarded with greater staff engagement" (para. 66). Following are some of the recommendations from the CEB work/life balance report:

(a) Actively promote the uptake of existing work/life balance provisions by using organizational champions and addressing the stigmatization of work/life balance programmes;

(b) Include "management on outputs" in all United Nations leadership and management courses and promote results-based management practices;

(c) Further analyse the impact on staff engagement and productivity and research and analyse work/life balance programmes from the corporate world against the mandate, needs and challenges of the United Nations system.

C. Inter-Agency Network on Women and Gender Equality

35. The seventh session of the Inter-Agency Network on Women and Gender Equality (IANWGE) took place from 19 to 21 February 2008.[8] At the meeting, IANWGE members noted the developments being taken by entities of the United Nations system to achieve gender balance. They were encouraged by the commitment of the Secretary-General to 50/50 gender balance and noted that without such commitment progress would not be achieved at the appropriate pace. The main conclusions were:

[7] United Nations, UNDP, UNICEF, UNHCR, UNFPA, ITC, WFP, FAO, IAEA, UNWTO and the World Bank.

[8] Report of the Seventh Session of the Inter-Agency Network on Women and Gender Equality, New York, 19-21 February 2008 (IANWGE/2008/REPORT).

(a) The members commended the report of the Secretary-General on the status of women in the United Nations system (A/61/318), noting that it constituted a useful tool for their advocacy and monitoring, and suggested that reporting be annually instead of biannually;

(b) The members emphasized the importance of monitoring, accountability and harmonization of good policy and practice across the United Nations system.

The Special Adviser on Gender Issues and Advancement of Women chairs IANWGE.

D. Expert Group Meeting on Measures to Accelerate the Improvement in the Status of Women in the United Nations System

36. The Office of the Special Adviser on Gender Issues and the Advancement of Women convened an Expert Group Meeting on Measures to Accelerate the Improvement of the Status of Women in the United Nations System. The meeting addressed progress towards the goal of 50/50 gender distribution and the establishment of a more gender-sensitive work environment for women and men in the United Nations system. The meeting was held in New York from 14 to 16 November 2007 and was attended by established experts who discussed the latest research and analyses, identified good practices and lessons learned, and developed independent recommendations on policies and practices to advance the status of women within the United Nations system. The experts validated and reinforced many of the measures found in the 2004 and 2006 reports of the Secretary-General (A/59/357 and A/61/318).

1. General observations and challenges of the United Nations

37. The discussions, as summarized in the report of the Expert Group,[9] categorically state that increasing the number of women in the workforce makes both demographic and business sense. Women are one of the key solutions to the challenging demographics of an ageing population and the increasing global competition for talented and knowledgeable workers. In addition, studies indicate that organizations that have attained gender balance tend to achieve better results than organizations with a skewed representation of women and that gender-balanced professional working teams have greater potential for innovation and efficiency.

38. The meeting highlighted that, as an organization involved in setting norms and standards, the United Nations has a particular responsibility to lead by example in achieving gender parity in its own house. In that regard, the experts emphasized the need to address the following issues in order to achieve gender balance within the United Nations system: reintroducing special measures/affirmative action; developing and implementing a comprehensive gender policy; enhancing career progression, improving organizational culture and removing informal barriers to achievement; and enhancing monitoring and accountability. The meeting noted that

[9] Report of the Expert Group Meeting on Measures to Accelerate the Improvement of the Status of Women in the United Nations System, Office of the Special Adviser on Gender Issues, United Nations, New York, 2008.

in the light of the large proportion of United Nations staff who would soon retire,[10] and the need to recruit and to retain talented young people, it was imperative that the United Nations addressed the high and costly[11] attrition rate (i.e., resignation, early retirement, non-renewal of contract) of women in the United Nations system, and facilitated women's advancement, particularly at senior levels.

2. Special measures, affirmative action and gender policies

39. In order to ensure the selection of equally or better qualified women until 50/50 gender balance has been reached, the Expert Group Meeting called for the introduction of special measures and affirmative action in the United Nations staff selection system. The staff selection system, introduced in the United Nations Secretariat on 1 January 2007, eliminated special measures included in the former staff selection system such as (a) mandatory selection of an equally qualified female candidate; (b) emphasis on women's potential to perform; and (c) an active and advisory role for departmental gender focal points. Research has shown the impact of carefully applied special measures and key targets to ensure the progress of high potential women through the leadership pipeline. In this way, the measurement and monitoring of activities becomes the starting block for action rather than the resting place for an organization's progress. The meeting recommended the following:

(a) Adopt binding special measures to select an equally or better qualified female candidate until the 50/50 representation target is reached;

(b) Implement an ongoing communication strategy to ensure "buy in" from all stakeholders through awareness raising regarding the importance of gender parity for organizational performance.

3. Women's slow career progression

40. While noting the need to improve career development and the advancement of women at all levels in the United Nations system, the Expert Group Meeting noted that gender imbalance remained most striking in senior positions. Recruitment and selection processes frequently disadvantage women, and the more senior the position, the greater the disadvantaged. For example, job descriptions might include criteria that hinder promotion and were not necessary for the successful performance of the job such as extensive time in grade or specific job requirements based not on competencies applicable to a range of questions but rather on very specific experience tailored to job particularities of a candidate the manager might already have in mind. The meeting recommended the following:

(a) Implement a quarterly or semi-annual monitoring system which incorporates all relevant gender balance data into an overall workforce planning report at both organizational and unit manager level;

---

[10] Sixteen organizations of the United Nations system report that 40 per cent of their professional staff are 50 years or older. In 17 of the organizations, 20 per cent of Professional staff are over 55 years of age. This means that in most organizations, a critical mass of Professional staff will leave the organization in the next few years. Source: Report of the Expert Group Meeting on Measures to Accelerate the Improvement of the Status of Women in the United Nations System, Office of the Special Adviser on Gender Issues, United Nations, New York, 2008.

[11] The cost is estimated at one and a half times the person's annual salary and even higher for positions at more senior levels. These costs could be expected to be even higher for a largely expatriate workforce.

(b) Incorporate comprehensive empirical data into monitoring reports such as gender representation at each stage of the recruitment and selection process, gender differences in performance appraisal ratings and promotion rates in order to highlight where positive action is needed;

(c) Foster a gender sensitive organization culture, through intensified and continuing departmental training and advocate the benefits of gender sensitivity and work/life balance for all staff with a particular focus on managers;

(d) Increase gender diverse informal networking opportunities to address women's exclusion from the formal and informal networks that are often used in the selection process;

(e) Create a system-wide database for the purpose of pooling qualified women candidates from different organizations of the United Nations, so as to increase mobility across agencies and expand career opportunities for both long-term and short-term staff.

4. Improving organizational culture and removing informal barriers

41. The Expert Group Meeting, found earlier analyses that the organizational culture in the United Nations system impeded women from rising to the top. It noted that even when women reached the top, they often had to conform to, and struggle with, a culture that reflected "male concerns and ways of working". In that regard, experts emphasized that United Nations policies, rules, regulations, and practices were often not conducive to the reconciliation of work and family responsibilities. The meeting recommended the following:

(a) Incorporate gender-related indicators and questions on separation/retention indicators, work/life balance and managerial issues into mandatory exit interviews;

(b) Develop and promulgate multiple measures of productivity independent of the variables of time and physical location and based on output;

(c) Intensify and continue training which enhances both individual and team engagement enabling greater productivity, innovation and reduced attrition, and creating more opportunities for career growth and loyalty.

5. Work/life balance and flexible work

42. The Expert Group Meeting emphasized the need to move beyond the traditional linear career model in order to acknowledge and support different career and life phases and promote work/life balance. Changing global demographics mean that people's care obligations are no longer limited to childcare, but increasingly extend to caring for ageing parents. In addition, the meeting found that difficulties and discrimination were often encountered by women upon re-entry into the system after extended periods of family leave. Alternatively, in some cases, women were not even granted their leave at times of family emergency or exigency.

43. The Expert Group Meeting stressed the possibility of telecommuting or working from alternative work stations as one way of facilitating better work/life balance. In that context, the experts noted that the mere existence of flexible working arrangements such as telecommuting and part-time work was insufficient. When such arrangements were not promoted or implemented properly and/or were

not a socially acceptable option for employees, they were not utilized to their full potential. In that regard, management should lead by example. Home-based work can save organizations operating costs, including for office space, and may also present a "green" solution. The meeting recommended the following:

(a) Appoint a dedicated champion for flexible working arrangements at as senior level as possible, and who is not in the human resources department, in each United Nations entity to be responsible for the implementation of the range of flexible working arrangements. The duties would include active advocacy of work/life balance for managers and staff;

(b) Encourage organizations to help staff to find day-care and elder-care solutions.

6. Monitoring, reporting and accountability

44. The Expert Group Meeting affirmed that data collection regarding gender representation in the United Nations system required strengthening. Most entities did not have computerized gender statistics to demonstrate the impact of a given recruitment, selection, promotion, retirement or separation on gender parity at a given level or in a given department. Where such monitoring existed, it was often only at the broadest organizational level. The meeting found that monitoring and reporting needed to be better resourced and data needed to be better used to inform of changes in organizational culture. The meeting recommended the following:

(a) Break down monitoring to the division level in order to be of more use to management in correcting distributional imbalances such as placement of women largely in support functions or positions of equal rank but relatively less importance given to the main work of the organizational culture;

(b) Enhance systems of clearly defined and enforced accountability with consequences for gender balance at all levels and regularly inform staff, managers and Member States on progress.

E. Examples of gender balance good practice in the United Nations system

45. Entities of the United Nations system submitted several gender balance good practice examples in response to the survey of the Office of the Special Adviser on Gender Issues and Advancement of Women and are presented below.

1. International Labour Organization

46. The International Labour Organization (ILO) Action Plan for Gender Equality 2008-09[12] covers issues related to staffing, substance and structure and uses a results-based management approach. It includes a section on gender parity entitled "Enabling institutional mechanisms for gender equality in the Organization". The related results area entitled "Progress toward parity by 2010 of Professional staff across all units and offices", includes ensuring greater parity between women and men in promotions to senior posts, gender equality in management and leadership training programmes, strengthening and enforcing provisions for a gender-sensitive

[12] International Labour Organization, *ILO Action Plan for Gender Equality 2008-09* (Geneva, 2008).

and family-friendly work place and expanded opportunities for General Service staff career development in the Organization.

2. United Nations Development Programme

47. The UNDP report of March 2008 entitled "Gender Parity in the UNDP" recommends special measures, including affirmative action to attain and sustain the 50/50 parity goal, and more efficient and prevalent inter-agency mobility, particularly for senior women. It also emphasizes the need for more rigorous implementation of work/life policies and flexible working arrangements to create an enabling work environment and stronger accountability. Specific good practices include (a) the gender and diversity scorecard to measure, monitor and track progress towards gender parity and other aspects of diversity by location and grades, in real time; and (b) the Leadership Development Programme for entry-level staff, where women's representation is 53 per cent.

48. Noting that achieving gender parity is an essential step in the overall development effectiveness of UNDP, the report concludes that "Institutional gender parity and equality within UNDP is not only the 'right thing' to do, but a moral imperative that will transform UNDP into an organization that is more productive, inclusive, effective and credible".[13]

3. United Nations Educational, Scientific and Cultural Organization

49. The United Nations Educational, Scientific and Cultural Organization (UNESCO) gender action plan (see Executive Board document 179 EX/5 Part I, paras. 32-62) sets out a range of measures for achieving 50 per cent representation of women at senior management levels (D-1 and above) by 2015. The action plan focuses around three axes: recruitment, training and mentoring and work/life balance with the objective of recruiting 60 per cent of women to senior management vacancies. UNESCO will attempt to appoint Directors in a 3:2 ratio of women to men. Selection panels are to be gender balanced and a short list of candidates for Director and P-5 posts are to include a minimum of two qualified women candidates. Proactive measures will be taken to increase the pool of women applicants by, inter alia, advertising posts through women's professional associations and networks, strongly encouraging women candidates to apply and increasing efforts to recruit women from unrepresented and underrepresented countries. The Director-General monitors progress quarterly.

50. To train and mentor, UNESCO is both developing a specific programme for P-4 and P-5 female staff to enhance managerial and leadership skills and supporting informal self-managed networks of senior female staff to facilitate sharing of knowledge, advice, contacts and experience. For newly recruited staff, UNESCO is organizing an introduction course on work-life and gender-related issues in general. Work/life balance policies at UNESCO facilitate spouse employment, and exit interviews are conducted systematically for female staff at the P-5 level and above in order to accurately identify issues. In addition, gender balance shall be assured among the members designated by the Director-General to participate in joint staff management committees.

---

[13] UNDP, "Gender Parity in UNDP", March 2008, p. 40.

4. Office of the United Nations High Commissioner for Refugees

51. The Office of the United Nations High Commissioner for Refugees (UNHCR) has set up a special mechanism called the Special Constraints Panel for staff who experience personal difficulties at the time of normally scheduled rotation. The staff can appeal to the Special Constraints Panel for a review of their case. The panel considers each staff member's particular circumstances and gives recommendations which are submitted to the Director of Human Resources for endorsement. The Special Constraints Panel was established in 1998 and has handled over 260 applications. Although the Special Constraints Panel has been equally approached by men and women, most of the cases are concerned with family responsibilities which usually fall more heavily on women than on men. UNHCR reports that the Special Constraints Panel has been helpful to staff members trying to juggle family responsibilities with career choices.

5. World Bank[14]

52. The World Bank Group has corporate action plans with quantitative targets, reinforced by unit-level plans laying out the commitments of each management team; a network of unit-level coordinators; mentoring programmes for key groups such as women from developing countries; and a solid foundation of research and data analysis to identify gaps and barriers to women's advancement.

53. Unit-level action plans evolved from optional, non-binding gender action plans created by vice presidential units, to mandatory diversity and inclusion compacts. Diversity and inclusion compacts include actions to diversify recruitment, promote career development for all staff and create a more inclusive environment. In addition, they contain targets and indicators, for example, targets for women in key pipeline positions and management. The compacts are signed by all members of the management teams, and countersigned by senior management. In 2008, for the first time all compacts will be posted on the organization's Intranet along with scorecards showing each unit's progress. The coordinators act as the link between the Office of Diversity Programs and the vice presidential unit management teams, communicating corporate diversity and inclusion strategies to the management team and assisting in unit-level implementation; and providing a view from the trenches of gender and diversity issues to the central Office of Diversity Programs.

6. World Health Organization

54. The World Health Organization (WHO) has recently introduced initiatives to attract a diverse range of candidates. The organization is improving outreach through targeting professional organizations which have a large female membership, particularly in unrepresented or underrepresented countries. In addition, WHO offers workshops in selected countries to enable nationals to compete more effectively for WHO positions. The organization has incorporated broader education profiles into position descriptions and terms of reference to attract the largest pool of qualified external and internal candidates. In order to retain a diverse workforce, WHO has introduced practices to build a more supportive workplace. These practices include strengthened policies in relation to work/life balance, particularly

[14] The World Bank is not a part of the United Nations system. The information is included nonetheless to report on a relevant good practice.

on leave and flexible work arrangements that enable staff to better balance their professional and personal needs.

V. Responsibility and accountability of the Office of Human Resources Management of the Secretariat and the United Nations System Chief Executives Board for Coordination for promoting gender balance

55. In its resolution 62/137, the General Assembly requests information on the responsibility and accountability of the secretariat of the United Nations System Chief Executives Board, chaired by the Secretary-General, for promoting gender balance. CEB is the successor body to the Administrative Committee on Coordination and is responsible for coordination and cooperation on a range of substantive and management issues in the United Nations system. CEB and its subsidiary bodies do not have implementation authority but to the extent that Member States in the diverse governing bodies of the organizations of the common system repeatedly request improvements in gender balance, CEB and its machinery are implicitly responsible for ensuring — within the human resources management framework — that best practices are shared; and for encouraging the pursuit of common human resources management policies which serve to enhance gender balance. Given the explicit responsibility of the Special Adviser on Gender Issues and Advancement of Women, especially as Chairperson of the Inter-Agency Network on Women and Gender Equality, for monitoring and analysing all matters related to gender equality, including gender balance, mainstreaming and peace and security, her office and the CEB machinery have continued to work together harmoniously and collaboratively over the years. The Special Adviser briefed the Human Resources Network at its July 2008 session, providing the basis for subsequent CEB direction to the system, although the specialized agencies, which are members of CEB, do not report to its Chair.

56. The principal responsibility of the Office of Human Resources Management is to ensure compliance with all human resource policies including gender issues in all offices and departments in the United Nations Secretariat and to ensure accountability in that respect. Implementation is monitored through the human resource action plans and the Secretary-General's compacts with departments and office heads, both of which include indicators for various human resource components. With respect to gender, the indicators monitored are the 1 per cent annual growth rate per department and female selection rates. In that context, the Policy Committee, in February 2008, assigned the Office of Human Resources Management to work with the Office of the Special Adviser on Gender Issues and Advancement of Women on certain specific aspects:

(a) To institute a gender scorecard to further expand and systematize monitoring for each department and office of the Secretariat, as part of the twice yearly reporting to the Management Committee;

(b) To work with departments to develop revised 2009-2010 human resource action plan gender balance targets in consultation with the Office of the Special Adviser;

(c) Together with the executive offices and Office of the Special Adviser to undertake more pro-active efforts to increase awareness and greater acceptance of the policy on flexible work arrangements, including monitoring and analysis of how these arrangements are being implemented and to analyse exit interviews of staff leaving the organization.

57. In addition, the Office of Human Resources Management recently created an outreach unit, which will work with the Office of the Special Adviser and others to increase recruitment of women and staff from unrepresented and underrepresented countries. The Office of Human Resources Management in close cooperation with the Office of the Special Adviser developed new terms of reference for departmental focal points promulgated on 1 August 2008 (ST/SGB/2008/12). The role of the Office of Human Resources Management in the staff selection process in regard to departments/offices which have failed to meet their targets for gender balance is discussed in paragraphs 79 to 83 below and the Office of Human Resources Management-administered training and career development programmes are discussed in paragraph 101 below.

VI. Statistical update on progress in the representation of women staff in the Secretariat

58. The analysis presented in table 7 is based on the representation of women staff in the Professional and higher categories with 100 and 300 series contracts of one year or more (7,288 staff), the General Service and other categories, including the Field Service, the Security and Safety and the Trades and Craft categories at Headquarters and in the field on appointments of one year or more. The present report covers the period 1 July 2006 to 30 June 2008.

A. Representation of women in the Professional and higher categories with appointments of one year or more

59. The present section analyses the trends in the representation of women in the Professional and higher categories with appointments of one year or more. Annex II provides information on the distribution of all staff on appointments of one year or more by gender and grade, broken down by department or office.

60. The percentage of women staff in the Professional and higher categories changed by 0.2 per cent between 30 June 2006 and 30 June 2008, increasing from 37.4 to 37.6 per cent (2,741 out of 7,288) (see table 6).

Table 6
Comparison of gender distribution of staff in the Professional and higher categories with appointments of one year or more in the United Nations Secretariat, as at 30 June 2006 and 30 June 2008

	30 June 2006			*30 June 2008*			
Level	*Men*	*Women*	*Percentage of women*	*Men*	*Women*	*Percentage of women*	*Change in percentage points (2006-2008)*
USG	33	6	15.4	47	10	17.5	2.1
ASG	41	11	21.2	39	12	23.5	2.3
D-2	80	35	30.4	93	29	23.8	-6.6
D-1	274	93	25.3	283	114	28.7	3.4
Subtotal	**428**	**145**	**25.3**	**462**	**165**	**26.3**	**1.0**
P-5	705	313	30.7	787	364	31.6	0.9
P-4	1 272	713	35.9	1 477	827	35.9	0.0
P-3	1 184	838	41.4	1 433	974	40.5	-0.9
P-2	374	359	49.0	385	411	51.6	2.6
P-1	0	3	100.0	3	0	0.0	-100.0
Subtotal	**3 535**	**2 226**	**38.6**	**4 085**	**2 576**	**38.7**	**0.1**
Total	**3 963**	**2 371**	**37.4**	**4 547**	**2 741**	**37.6**	**0.2**

Source: IMIS.

1. Women in senior positions

61. Over the two-year reporting period, the representation of women at the D-1 level and above as at 30 June 2008 showed a slight increase of 1 per cent (165 out of 627), from 25.3 to 26.3, an average of 0.5 per cent per year. The largest increase of 3.4 per cent occurred at the D-1 level, from 25.3 to 28.7 per cent (114 out of 397), representing 1.7 per cent for each year. In addition, the representation of women increased by 2.1 per cent and 2.3 per cent (or 1.05 and 1.15 per cent annually) at the Under-Secretary-General and Assistant Secretary-General levels, respectively. On the other hand, the D-2 grade level experienced a very significant decrease of 6.6 per cent from 30.4 on 30 June 2006 to 23.8 per cent (29 out of 122), by 30 June 2008.

2. Women in the Professional category

62. The representation of women in the Professional category remained with almost no growth during the reporting period. It increased by 0.1 per cent, from 38.6 to 38.7 per cent (2,576 out of 6,661) between 30 June 2006 and 30 June 2008. The representation of women at the P-4 level remained stagnant at 35.9 per cent. This is a matter of concern since the P-4 level constitutes an important pool from which women enter the decision-making levels. In contrast, increases of 0.9 per cent and 2.6 per cent were manifested at the P-5 and P-2 levels, respectively. Parity was maintained at the P-2 level with the representation of women standing at 51.6 per cent. The percentage of women at the P-1 level, albeit insignificant in terms of

absolute numbers, dropped from 100 per cent (3 out of 3) in June 2006 to zero per cent (0 out of 3) in June 2008.

3. Women with appointments of one year or more across departments and offices with 20 or more Professional staff

63. During the present reporting period as compared to the previous one, the number of departments and offices with more than 50 per cent women at the D-1 level and above decreased from four to three (see table 7). In addition, while as at 30 June 2006, three departments and offices had no women at the decision-making levels, as at 30 June 2008 only two fell into this category.

Table 7
Number of departments and offices with 20 or more Professional staff, by percentage of women with appointments of one year or more, in the United Nations Secretariat, as at 30 June 2006 and 30 June 2008[a]

	Number of departments and offices				
	Professional and higher categories		*Women at D-1 level and above*		*D-1 level and above — 2008*
Percentage of women	*2006*	*2008*	*2006*	*2008*	*(departments and offices)*
50 and above	5	8	4	3	DM/OHRM, DM/OUSG, DPI
30 to 49	20	20	12	12	DGACM, DM/OPPBA, ECA, ECE, OCHA, OHCHR, ODA, OIOS, OLA, UNCTAD, UNOG, UNOV
1 to 29	7	3	13	14	DESA, DFS, DM/OCSS, DPA, DPKO, DSS, ECLAC, EOSG, ESCAP, ESCWA, FMADPKO, UNEP, UN-Habitat, UNODC
None	0	0	3	2	CTED, UNON
Total	**32**	**31**	**32**	**31**	

Source: IMIS.

[a] UNMOVIC was not included because it had less than 20 Professional staff members in June 2008.

B. Trends in the representation of women in the Professional and higher categories with appointments of one year or more, 1998 to 2008

64. The statistical trends presented in table 8 on the representation of women in the Professional and higher categories for staff with appointments of one year or more are intended to assist delegations and the Secretariat to gauge successes and challenges in achieving the 50/50 gender balance goal overall in the Secretariat by grade.

65. The entire 10-year period from June 1998 to June 2008 witnessed a growth rate of only 3 per cent, from 34.6 per cent (1,141 out of 4,164) in 1998 to 37.61 per cent (2,641 out of 7,288) in 2008. That represents an average annual growth from

1998 to 2008 of only 0.3 per cent, a growth rate yet slower than the average annual growth during the period 1998-2006 (0.35 per cent).

Table 8

Trends in the representation of women in the Professional and higher categories with appointments of one year or more in the United Nations Secretariat, 30 June 1998 to 30 June 2008

(percentage)

Level	*30 June 1998*	*30 June 1999*	*30 June 2000*	*30 June 2001*	*30 June 2002*	*30 June 2003*	*30 June 2004*	*30 June 2005*	*30 June 2006*	*30 June 2007*	*30 June 2008*	*Percentage change (2006-2008)*	*Cumulative change (1998-2008)*	*Annual average change (1998-2008)*
USG	11.1	9.4	6.5	11.8	10.5	13.9	16.7	16.2	15.4	15.4	17.5	2.1	6.4	0.64
ASG	13.0	14.3	11.5	10.8	12.5	15.0	17.1	18.8	21.2	20.8	23.5	2.3	10.5	1.05
D-2	18.8	21.6	20.8	17.9	21.6	24.7	27.6	26.7	30.4	24	23.8	-6.6	5	0.5
D-1	23.7	28.1	29.3	30.1	28.7	28.9	32.3	29.9	25.3	28.5	28.7	3.4	5	0.5
P-5	29.3	30.0	32.6	29.5	29.3	30.1	31.0	31.4	30.7	30.8	31.6	0.9	2.3	0.23
P-4	32.3	33.7	33.5	31.4	31.4	31.5	34.1	34.6	35.9	34.5	35.9	0.0	3.6	0.36
P-3	39.4	39.5	40.2	36.9	38.0	39.9	41.5	41.0	41.4	41.2	40.5	-0.9	1.1	0.11
P-2	45.4	48.2	50.1	48.0	48.7	50.1	50.8	50.8	49.0	49.7	51.6	2.6	6.2	0.62
P-1	64.3	77.8	50.0	60.6	63.2	63.6	83.3	100.0	100.0	66.7	0.0	-100.0	-64.3	-6.43
Total	**34.60**	**35.80**	**36.50**	**34.60**	**34.90**	**35.70**	**37.37**	**37.10**	**37.43**	**37.07**	**37.61**	**0.18**	**3.01**	**0.30**

Source: IMIS.

1. Trends for women in senior positions

66. Table 8 shows that the average annual change in the representation of women was 0.3 per cent for the 10-year period 1998 to 2008.

67. The levels of D-2, Assistant Secretary-General and Under-Secretary-General — levels of direct appointment by the Secretary-General — had among the highest (but still very low) average annual changes, of 0.5 per cent, 1.05 per cent and 0.64 per cent, respectively. At the D-1 level, an average annual growth of 0.5 per cent was recorded over the previous 10-year period.

2. Trends for women in the Professional category

68. In the Professional category, where the majority of posts are concentrated, the trends reflect a disturbingly slow progress during the period 1998-2008. Slight increases in the average annual growth were found at the P-3 (0.11 per cent), P-5 (0.23 per cent), and P-4 (0.36 per cent) levels over this 10-year period. The largest increase was registered at the P-2 level (0.62 per cent), while a decrease of 6.43 per cent was recorded at the P-1 level, both of which are relatively less significant because parity has been reached at the P-2 level and very few posts exist at the P-1 level.

C. Appointments, promotions, lateral moves and separation of staff with appointments of one year or more in the Professional and higher categories

1. Appointments

69. Gender parity in appointments was only met at the P-2 level, and almost met at the P-3 level. During the period 2006-2008, women at the P-2 to the USG levels constituted 42.7 per cent (404 out of 946) of all appointments (external recruitments) (see table 9). Women represented 44.4 per cent (380 out of 855) of external recruitments at the P-2 to P-5 levels, and 26.4 per cent (24 out of 91) at the D-1 to USG levels. The lowest proportion of women recruited was at the USG level, standing at 23.1 per cent (3 out of 13).

Table 9
Appointments by gender and grade to Professional and higher categories in the United Nations Secretariat between 1 July 2006 and 30 June 2008

Level	*Men*	*Women*	*Total*	*Percentage of women*
USG	10	3	13	23.1
ASG	9	3	12	25.0
D-2	18	6	24	25.0
D-1	30	12	42	28.6
Subtotal	**67**	**24**	**91**	**26.4**
P-5	78	25	103	24.3
P-4	151	79	230	34.3
P-3	164	153	317	48.3
P-2	82	123	205	60.0
Subtotal	**475**	**380**	**855**	**44.4**
Total	**542**	**404**	**946**	**42.7**

Source: IMIS.

70. Trends in appointments over the 10-year period from 1 July 1998 to 30 June 2008 reveal that in the Professional and higher categories, appointments of women increased by 4.3 per cent, from 40.1 per cent to 44.4 per cent (see table 10). An increase of 12.5 per cent, from 26.2 to 38.7, occurred at the P-4 level, followed by an increase of 8.7 per cent at the D-1 level, from 27.3 to 36 per cent. However, despite these positive trends, significant decreases of 10.1 and 10.7 per cent respectively were registered at the D-2 and P-5 levels. Gender parity in appointments has been achieved and maintained at the P-2 and P-3 levels.

Table 10
Trends in the appointment of women to the Professional and higher categories in the United Nations Secretariat, July 1998 to June 2008

	Level									
Year	*USG*	*ASG*	*D-2*	*D-1*	*P-5*	*P-4*	*P-3*	*P-2*	*Total*	*Percentage change from previous year*
July 1998 to June 1999	0.0	0.0	55.6	27.3	31.8	26.2	31.8	64.5	40.1	
July 1999 to June 2000	0.0	0.0	42.9	31.3	35.3	20.0	44.6	51.5	40.5	0.4
July 2000 to June 2001	20.0	0.0	0.0	20.0	14.6	32.1	45.6	55.8	40.7	0.2
July 2001 to June 2002	9.1	10.0	21.4	19.2	12.1	22.7	34.9	56.6	33.2	-7.2
July 2002 to June 2003	20.0	28.6	11.8	13.6	31.3	24.8		61.9	38.5	5.3
July 2003 to June 2004	14.3	33.3	20.8	31.0	14.5	32.7	41.9	52.9	37.2	-1.3
July 2004 to June 2005	11.1	33.3	20.0	18.1	30.7	39.5	36.2	51.0	38.2	1.0
July 2005 to June 2006	14.3	12.5	6.3	24.0	26.5	33.3	44.2	52.9	37.8	-0.4
July 2006 to June 2007	20.0	100.0	7.7	17.6	26.2	30.6	46.7	61.3	41.3	3.5
July 2007 to June 2008	25.0	18.2	45.5	36.0	21.1	38.7	50.4	58.5	44.4	3.1
Changes 1998/1999 to 2007/2008	25.0	18.2	-10.1	8.7	-10.7	12.5	18.6	-6.0	4.3	

Source: IMIS.

2. Appointments through the national competitive recruitment examination

71. During the reporting period, women comprised 46.2 per cent (96 out of 208)[15] of recruits from the national competitive recruitment examination as compared with 51 per cent in the previous reporting period.

3. Promotions in the Professional and higher categories

72. The goal of gender parity in promotions was only met at the P-2 and P-3 levels, and almost met at the P-4 level. Women at the P-2 to D-1 levels accounted for 48.4 per cent (399 out of 825) of all promotions (see table 11). Within the reporting period, the promotions at the P-2 to D-1 levels showed an average steady decline of approximately 8 per cent with each increasing level. At the P-2 and D-1 levels, promotions of women constituted 69.7 per cent and 37.3 per cent of all promotions, respectively.

[15] IMIS data.

Table 11
Promotions by gender and grade to Professional and higher categories in the United Nations Secretariat, 1 July 2006 to 30 June 2008

Level	*Men*	*Women*	*Total*	*Percentage of women*
D-1	52	31	83	37.3
Subtotal D	**52**	**31**	**83**	**37.3**
P-5	130	94	224	42.0
P-4	165	155	320	48.4
P-3	69	96	165	58.2
P-2	10	23	33	69.7
Subtotal P	**374**	**368**	**742**	**49.6**
Grand total	**426**	**399**	**825**	**48.4**

Source: IMIS.

4. Transfers in the Professional and higher categories

73. Of 733 lateral transfers of staff in the Professional and higher categories, 41.3 per cent (303 out of 733) were women (see table 12). While 38.5 per cent of women transferred laterally at the D-1 level in the previous reporting period, 41.5 per cent of transfers during the present reporting period were women. The smallest percentage of lateral transfers of women occurred at the P-5 level (27 out of 104) accounting for 26 per cent. During the current reporting period at all levels except P-2, more men than women transferred laterally.

Table 12
Transfers by gender and grade to Professional and higher categories in the United Nations Secretariat, 1 July 2006 to 30 June 2008

Level	*Men*	*Women*	*Total*	*Percentage of women*
D-2	6	3	9	33.3
D-1	24	17	41	41.5
Subtotal D	**30**	**20**	**50**	**40.0**
P-5	77	27	104	26.0
P-4	158	105	263	39.9
P-3	124	96	220	43.6
P-2	41	55	96	57.3
Subtotal P	**400**	**283**	**683**	**41.4**
Grand total	**430**	**303**	**733**	**41.3**

Source: IMIS.

5. Separations in the Professional and higher categories

74. As seen in table 13, 697 staff members separated during the current reporting period. Women accounted for 38.6 per cent of all separations (269 out of 697), representing a 2 per cent increase as compared to 36.6 per cent (291 out of 794) in the previous period. Broken down by levels, women constituted 28.9 per cent of those separating from the Organization at the D-1 level and above (44 out of 152) and 41.3 per cent at the Professional level (225 out of 545).

75. The four major causes for the separation of women in the Professional and higher categories were retirement (106 out of 266), appointment expiration (67 out of 201), resignation (52 out of 119), and transfer (20 out of 43). Regarding retirements, a significant increase of 7.5 per cent was registered, with women representing 39.8 per cent of retirements during the period 2006-2008 as compared to 32 per cent in 2004-2006 and 25 per cent in 2003-2004. The increase in retirements of nearly 15 per cent over the past four years implies a slippage further from the 50/50 target and would require concerted recruitment of qualified women in order to accelerate progress towards gender balance.

76. Of all appointment expirations, women constituted 33.3 per cent, representing a slight increase of 1.1 per cent as compared to 32.2 per cent in the period 2004-2006, and a larger increase of 9.3 per cent as compared to 24 per cent in the period 2003-2004.

77. Women constituted 43.7 per cent of resignations representing a 3.5 per cent decrease as compared to 47.2 per cent in the previous period. This, however, does not offset the losses owing to retirement and appointment expiration as the number of women who resigned is smaller than the number of those who retired or left on account of appointment expiration.

78. Finally, women constituted 46.5 per cent of those who transferred to other United Nations organizations, representing an increase of 3.6 per cent as compared to 42.9 per cent during the previous period. A more detailed analysis from exit interviews of the causes of the inter-agency or organizational transfers is necessary in order to fully understand the motivation behind these moves.

Table 13
Separation of women in the Professional and higher categories, by type, category and gender, in the United Nations Secretariat, 1 July 2006 to 30 June 2008

Reason for separation	*USG*			*ASG*			*D*			*P*			*Total number of women*	*Grand total*	*Percentage of women*
	M	*F*	*Total*	*M*	*F*	*Total*	*M*	*F*	*Total*	*M*	*F*	*Total*			
Agreed termination	0	0	0	0	0	0	4	3	7	29	16	45	19	52	36.5
Appointment expiration	8	1	9	11	4	15	15	5	20	100	57	157	67	201	33.3
Death	0	0	0	1	0	1	2	0	2	3	2	5	2	8	25.0
Dismissal for misconduct	0	0	0	0	0	0	0	0	0	1	0	1	0	1	0.0
Resignation	3	0	3	3	1	4	11	3	14	50	48	98	52	119	43.7
Retirement							46	24	70	114	82	196	106	266	39.8
Summary dismissal	0	0	0	0	0	0	0	0	0	2	0	2	0	2	0.0
Termination-health	0	0	0	0	0	0	0	1	1	2	2	4	3	5	60.0
Transfer	0	0	0	0	0	0	4	2	6	19	18	37	20	43	46.5
Total	**11**	**1**	**12**	**15**	**5**	**20**	**82**	**38**	**120**	**320**	**225**	**545**	**269**	**697**	**38.6**
Percentage of women by category		8.3			25.0			31.7			41.3				

Source: IMIS.

79. During the next five years, an average of 338 staff under the 100 series with appointments of one year will reach mandatory retirement age each year, ranging from a low of 234 in 2008 to a high of 386 in 2012. In the Professional and higher categories (P-2 to D-2), 62.3 per cent of the retirees will be male (476 out of 764). In all, 164 Directors will retire, accounting for 9.7 per cent of all retirements; 571 staff (33.8 per cent) will retire from the Professional category; and 899 staff (53.2 per cent) will retire from the General Service and related categories.

80. The forthcoming retirements present important opportunities for substantial improvement in gender distribution. Retirement rates at the senior levels (P-5, D-1 and D-2) will be significant in a number of departments, presenting an opportunity of achieving gender balance. Replacement needs for the D-2, D-1 and P-5 levels for the upcoming five years would be 46.3, 31.5, and 22.4 per cent, respectively.

D. Staff selection system for the Professional and D-1 levels

1. Galaxy process

81. Since 2002, internal and external candidates for United Nations Secretariat positions at the P-3 to D-1 levels must apply through the Office of Human Resources Management-administrated web-based Galaxy system against specific vacancy announcements. During the period 1 July 2006 to 30 June 2008, there were

126,877 applications. Only 29.2 per cent of applicants were women, ranging from 18.1 per cent (1,141 women) at the D-1 level to 32.7 per cent (18,470 women) at the P-3 level. However, 41.5 per cent of applicants interviewed were women, as were 43.3 per cent of those deemed successful and placed on the recommended list after being certified by the central review bodies as being fully qualified for the post. Any candidate on the recommended list can be selected. During the period under consideration, 45.9 per cent of the selected candidates were women, indicating that proportionately more women applicants than men were deemed sufficiently experienced and qualified and/or that departments were making an effort to increase the representation of women (see table 14).

Table 14
Gender distribution of candidates for vacancies in the Professional and higher categories at each stage of the Galaxy staff selection process in the United Nations Secretariat, 1 July 2006 to 30 June 2008

		Total			*Forwarded to department by OHRM*			*On interview list*			*On recommended list*			*Selected*			*Rostered*		
Level	*Total VA*[a]	*M*	*F*	*%*	*M*	*F*	*%*	*M*	*F*	*%*	*M*	*F*	*%*	*M*	*F*	*%*	*M*	*F*	*%*
D-1	65	5 169	1 141	18.1	3 461	780	18.4	295	143	32.6	96	50	34.2	40	25	38.5	53	23	30.3
Subtotal	**65**	**5 169**	**1 141**	**18.1**	**3 461**	**780**	**18.4**	**295**	**143**	**32.6**	**96**	**50**	**34.2**	**40**	**25**	**38.5**	**53**	**23**	**30.3**
P-5	176	12 533	3 913	23.8	6 110	2 074	25.3	576	350	37.8	265	162	37.9	118	67	36.2	146	93	38.9
P-4	306	34 061	13 578	28.5	16 072	6 217	27.9	1 031	770	42.8	433	323	42.7	181	155	46.1	248	163	39.7
P-3	213	38 012	18 470	32.7	17 125	8 463	33.1	531	463	46.6	200	223	52.7	103	128	55.4	95	93	49.5
Subtotal	**695**	**84 606**	**35 961**	**29.8**	**39 307**	**16 754**	**29.9**	**2 138**	**1 583**	**42.5**	**898**	**708**	**44.1**	**402**	**350**	**46.5**	**489**	**349**	**41.6**
Total	**760**	**89 775**	**37 102**	**29.2**	**42 768**	**17 534**	**29.1**	**2 433**	**1 726**	**41.5**	**994**	**758**	**43.3**	**442**	**375**	**45.9**	**542**	**372**	**40.7**

Source: IMIS.
[a] Vacancies.

2. Staff selection policies

82. Two policies under the current staff selection system (see ST/AI/2006/3) which came into effect for vacancy announcements issued as of 1 January 2007 affect women in particular. The first policy concerns rostering. It involves the placement of candidates who were deemed fully qualified for a post (placed on the recommended list) but were not selected on a roster comprising pre-approved candidates for future vacancies with similar functions and at the same level. The life of the roster was increased from one to three years for women (ibid., para. 9.3). The staff selection process rarely afforded a candidate two opportunities within the same year. During the period 1 July 2007 to 30 June 2008, 463 applicants were rostered, of which 38 per cent (179) were women, a percentage consistent with women's representation in the other stages of the selection process.

83. The second policy concerns the selection of male candidates in departments/offices which have not met the gender targets set out in their departmental action plans. In accordance with the requirement stipulated in paragraph 9.2 of administrative instruction ST/AI/2006/3, if the head of such a department/office proposes to select a male candidate when an equally qualified female candidate is available, the proposed selection decision must be justified to, and approved by, the Office of Human Resources Management. During the period under consideration, 13 gender-related cases were submitted to the Office. In one case, a female candidate was recommended following reconsideration by the department. Nine requests were approved by the Office for the selection of the male candidate and three requests were pending reconsideration by the respective departments. These cases demonstrate persisting bias in favour of men candidates.

3. Performance Appraisal System

84. Evaluation ratings given to male and female staff by their supervisors in the Office of Human Resources Management-administered Performance Appraisal System (PAS) impact the prospects for internal candidates for promotions and lateral transfers. From 2004 to 2007, a period that allows for a review of trends, women represented 39 per cent of the 5,548 staff members using PAS. Overall, the representation of women was significantly higher in the top two rating categories than in the lower categories, demonstrating higher levels of performance as compared to their male colleagues. Women constituted 41.9 per cent of all staff who consistently exceeded performance expectations in the period 2004-2005, 43.2 per cent in the period 2005-2006, and 44.0 per cent in the period 2006-2007.

85. However, the higher level of achievement by women does not necessarily translate into promotion to higher grades. During the period 2006-2007, women constituted 35.7 per cent of all D-1 staff in the Performance Appraisal System and represented 37.3 per cent of staff receiving the highest rating at the D-1 level, yet they made up only 16.67 percent of those promoted to the D-2 level in 2007. Also, during the period 2006-2007, women constituted 35.7 per cent of all P-4 staff in the PAS system and represented 41.4 per cent of staff receiving the highest rating at the P-4 level, while they constituted only 33.72 per cent of all staff promoted to the P-5 level. The correlation between percentage of high ratings and promotions is therefore negative for women, prompting the need for an examination of the promotion criteria.

E. Staff in peace support missions administered by the Department of Peacekeeping Operations

86. As at 30 June 2008, the total number of Professional staff with appointments of one year or more assigned to peace support operations was 2,327,[16] an increase of 761, from 1,566 in June 2006 as noted in the previous report. The overall representation of women was 28.9 per cent compared to 29.7 per cent in 2006. At the D-1 level and above, women's representation was 13.6 per cent (23 out of 169) as compared with 11.7 per cent in June 2006. In 2008, of the 34 peacekeeping missions, including political and peacebuilding missions, 20 missions had 20 or more Professional staff members. Of those, none had 50 per cent or more women, 1 mission had between 40 and 49 per cent,[17] 7 had between 30 and 39 per cent women,[18] 10 had between 20 to 29 percent[19] and 2 missions had less than 20 per cent women.[20] In respect of the representation of women at the D-1 level and above, among the 20 missions with 20 or more Professional staff, three missions had exactly 50 per cent women,[21] there were no missions in the 30-49 per cent range, four had 20 to 29 per cent[22] and five had between 7 and 19 per cent.[23] The remaining eight missions did not have any women at the decision-making level.[24] As of 30 June 2006, six missions[25] did not have any women at decision-making levels, nor was any led by a woman Special Representative and there was only one Deputy Special Representative (in Afghanistan). However, by 30 June 2008, one mission was led by a woman Special Representative[26] and seven had women as Deputy Special Representatives.[27]

87. Eleven missions have full-time gender advisers.[28] The other peacekeeping missions have a gender focal point, a staff member who covers the gender portfolio in addition to other tasks.

---

[16] IMIS data.

[17] UNMIT, 42.6 per cent.

[18] MINUSTAH, 35.7 per cent; UNIIIC, 34.8 per cent; UNIOSIL, 34.8 per cent; BINUB, 34.1 per cent; UNMIS, 33.3 per cent; UNAMA, 31.4 per cent; UNMIL, 31.3 per cent.

[19] UNFIL, 29.8 per cent; UNOMIG, 29.6 per cent; ONUCI, 28.4 per cent; MONUC, 27 per cent; UNAMID, 24.6 percent; UNMIN, 24.4 per cent; UNMIK, 24.3 per cent; UNAMI, 21.3 per cent; UNIB, 20 per cent; MINURSO, 20 per cent.

[20] UNMEE, 13.2 per cent; MINURCAT, 10 per cent.

[21] MINURCAT, UNIIIC and UNIOSIL.

[22] UNAMI, 28.6 per cent; UNMIS, 27.8 per cent; UNMIL 27.3 per cent; UNOMIG, 20 per cent.

[23] UNAMID, 18.2 per cent; BINUB, 16.7 per cent; MONUC, 11.8 per cent; UNMIK, 11.1 per cent; MINUSTAH, 8.3 per cent.

[24] MINURSO, ONUCI, UNAMA, UNIFIL, UNLB, UNMEE, UNMIN, and UNMIT.

[25] MINUSTAH, ONUB, UNAMA, UNMEE, UNOCI and UNOTIL.

[26] UNMIL.

[27] MONUC, UNOB, UNFIL, UNMIN, UNMIS, UNMIL, and MINURCAT (Chad).

[28] BINUB, MINURCAT, MINUSTAH, MONUC, UNAMA, UNAMID, UNIOSIL, UNMIL, UNMIS, UNMIT, UNOCI.

F. Representation of women in the Professional categories on posts with special language requirements

88. In the category of posts with special language requirements, the proportion of women increased by 2.5 per cent during the period 1 July 2006 to 30 June 2008, from 41.3 per cent (349 out of 845) to 43.8 per cent (371 out of 848). Parity has been reached only at the P-2 level. Representation at other levels ranges from lows of 39.6 and 41.3 per cent at the P-4 and P-5 levels, respectively, to 48.6 per cent at the P-3 level. The largest increase of 6 per cent occurred at the P-3 level, from 42.6 to 48.6 per cent (144 out of 296). The P-5 level recorded a 1.3 per cent increase (66 out of 160). The P-4 and P-2 levels registered slight increases of 0.5 per cent (143 out of 361) and 0.9 per cent (18 out of 31), respectively.

G. Representation of women on posts in the expert category

89. During the current reporting period, the proportion of women in the expert category of posts (200 series of the Staff Rules) increased by 1.4 per cent, from 36.3 per cent to 37.7 per cent (448 out of 1,188) (see table 15). As at 30 June 2008, parity has been reached only at the L-2 level. Representation at other levels ranged from a low of zero per cent at the L-7 level to 35 per cent at the L-3 level. Increases of 4.6 per cent, 4.4 per cent, and 4.1 per cent occurred at the L-2, L-6, and L-4 levels, respectively. Decreases occurred at two levels, the L-7 (-14.3 per cent, with only three male staff at this level) and L-3 (-4.5 per cent, with 130 women out of 371).

Table 15
All staff in the expert category in the United Nations Secretariat, 30 June 2006 to 30 June 2008

	1 July 2006				*30 June 2008*				
Level	*Men*	*Women*	*Total*	*Percentage of women*	*Men*	*Women*	*Total*	*Percentage of women*	*Percentage change (2006-2008)*
L-7	6	1	7	14.3	3	0	3	0.0	-14.3
L-6	41	11	52	21.2	29	10	39	25.6	4.4
L-5	139	27	166	16.3	139	29	168	17.3	1.0
L-4	163	52	215	24.2	190	75	265	28.3	4.1
L-3	193	126	319	39.5	241	130	371	35.0	-4.5
L-2	134	169	303	55.8	132	201	333	60.4	4.6
L-1	14	7	21	33.3	6	3	9	33.3	0.0
Total	**690**	**393**	**1 083**	**36.3**	**740**	**448**	**1 188**	**37.7**	**1.4**

Source: IMIS.

H. Gender distribution in the Field Service Officer category

90. In the Field Service Officer category, women constituted 28.1 per cent (990 out of 3,518) as at 30 June 2008, as compared to 25.1 per cent as at 30 June 2006. The highest proportion of women is at the FS-3 level, with 37.9 per cent. The percentage of women stood at 27, 27.3, and 27.3 per cent at the FS-5, FS-4 and FS-2 levels respectively. Women constituted only 15.8 per cent (29 out of 184) at the FS-6 level[29] and more dismally, there was only 1 woman out of 32 staff at the FS-7 level.

I. Gender distribution of staff in the General Service and related categories

91. As at 30 June 2008, women continued to constitute the majority of staff members in the General Service category, with 59.5 per cent (3,942 out of 6,628)[30] compared to 60.6 per cent as at 30 June 2006. In the current reporting period, 57 per cent of recruitments (408 out of 716) were women compared to 46.7 per cent in the previous period. In terms of promotions in the General Service category, women accounted for 63.4 per cent (514 out of 811) compared to 59.5 per cent in the previous period. Women represented 68.4 per cent (303 out of 443) of lateral moves compared to 71.6 per cent in the last reporting period. In terms of separations, women made up 56.6 per cent of all separations (303 out of 535), as compared to 59.9 per cent in the last reporting period. This is representative of the overall proportion of women in that category.

92. In the Security and Safety Service and Trades and Crafts categories, women continue to be severely underrepresented, accounting for only 15.9 per cent (50 out of 314) and 2.9 per cent (5 out of 173), respectively.

VII. Progress made, obstacles encountered and recommendations for achieving gender balance in the Secretariat

A. Decisions and related actions of the Secretary-General's Policy Committee

93. The issue of gender balance was addressed by the Secretary-General's Policy Committee in 2006 and 2008. Steps taken in the context of its decisions and discussions are briefly described below. The Policy Committee will continue to review progress towards gender balance on an annual basis.

1. Letter of the Secretary-General to the heads of departments and offices

94. The Secretary-General issued a letter to all heads of departments and offices in April 2008 requesting them to take steps to accelerate progress towards gender

[29] IMIS database, table 15.D.

[30] IMIS, table 15.E. Field mission administration staff in DPKO are not included in the calculation in order to compare to previous years. Women constitute 19.2 per cent (7,509 men and 1,744 women) of DPKO General Service staff. Women's representation is 35.8 per cent (dropping from 59.5 per cent in the more restricted population when DPKO is not included).

balance and urging them to take advantage of upcoming retirements at the D-1 and P-5 levels to redress the current imbalance. He encouraged the use of flexible work arrangements, the implementation of new and strengthened terms of reference for departmental focal points for women, and also endorsed the development of gender balance scorecards to better monitor statistics on gender representation and to gather data on the use of flexible working arrangements, the functioning of the gender focal point system, the selection of women from the roster, and other measures that would ensure the recruitment, promotion and retention of women in the workplace. Furthermore, the Secretary-General reiterated that message, in a letter to United Nations staff dated 28 April 2008. He noted that progress towards parity at all levels between men and women in the Organization had been slow and called for an organizational culture shift to facilitate attaining and sustaining gender balance at all levels and to foster a healthy work environment for all staff, both men and women.

2. Gender strategy

95. The Secretary-General charged the Deputy Secretary-General with the preparation of a gender strategy for the Organization. This strategy is expected to be developed by the end of 2008 and is to include analysis and action points for issues related to gender awareness; human resource policies such as recruitment, promotion, and retention; improved implementation of work/life policies; and monitoring and accountability. Regarding monitoring and accountability, the Secretary-General has directed the Organization to institute a gender scorecard for each department and office, initiate twice-yearly gender reporting to the Management Committee, monitor and strengthen implementation of flexible work arrangements and undertake exit interviews and analysis in order to identify barriers.

3. Terms of reference for departmental focal points

96. New terms of reference for departmental focal points were developed with widespread consultation and promulgated on 1 August 2008 (see ST/SGB/2008/12) to address the issue of the marginalization of departmental Focal Points in several departments, and the new staff selection system (see ST/AI/2006/3) which considerably weakened their roles. With the new terms of reference, the focal points system and the issues of gender balance would be better integrated into the work of the departments and eliminate any negative impact experienced by several focal points.

4. Office of the Special Adviser on Gender Issues and Advancement of Women

97. The Office of the Special Adviser on Gender Issues and Advancement of Women was established in 1997, and within it, a post for the Focal Point for Women. In essence, the Special Adviser on Gender Issues and the Advancement of Women, and the Focal Point for Women in her office serve as the chief advocates, and prime repository of information and analysis on the conditions of service of women in the United Nations. They act as interlocutors for women staff. The Special Adviser serves as an ex officio member of senior management bodies, including member of the Senior Review Group. The Focal Point for Women acts as an ex officio member of the central review bodies in the Secretariat where post-by-post reviews are conducted.

5. Flexible working arrangements

98. The Secretary-General encouraged the use of flexible working arrangements as a means to achieve accelerated progress and work/life balance. However, the number of flexible arrangements users in the Secretariat has decreased from 2,410 in June 2004 (see A/59/357. para. 87) to 1,137 as at June 2008. Staggered working hours (44.1 per cent, 501 of 1,137) and compressed work schedule (33.6 per cent, 382 out of 1,137) constitute the two most widely used options. Telecommuting (8.5 per cent, 97 out of 1,137) and scheduled break for external learning activities (13.8 per cent, 157 out of 1,137) have fewer users. The breakdown of users by category is: General Service and related categories (45.2 per cent, 514 out of 1,137); Professional staff (52.1 per cent, 592 out of 1,137); and Director level and above (2.7 per cent, 31 out of 1,137). Under the flexible working arrangements, the breakdown by gender for each option is as follows: staggered working hours: 59.7 per cent women (299 out of 501); compressed work schedule: 62.8 per cent women (240 out of 382); scheduled break for external learning activities: 56.1 per cent women (88 out of 157); and telecommuting: 58.8 per cent women (57 out of 97).

99. Although women at 60.2 per cent represent the majority of users within each option, they only constitute 35.5 per cent (11 out of 31) of users at the Director level, thus confirming the trend that the majority of the users at the Director level are men. The usage is equal, at 50 per cent each, for men and women at the Professional levels (296 out of 592) disproving the myth that flexible working arrangements are mainly for women. In the General Service and related categories, women represent 73.3 per cent of users (377 out of 514).

B. Department of Peacekeeping Operations/Department of Field Support

100. The Department of Peacekeeping Operations/Department of Field Support strive to improve gender balance through initiatives in the areas of staff selection policy, maternity leave policy, work/life balance and the promotion of a gender-friendly work environment. Programme Case Officers, who oversee staff section in the Department, receive a Guidance Note on "Advancing gender equality via the staff selection process" and the Department of Peacekeeping Operations/Department of Field Support have adopted a new policy to ensure that women on temporary or fixed-term contracts who take maternity leave have sufficient time after their return to compete on equal footing with other staff for a subsequent contract. In accordance with the Secretary-General's request to "embrace modern management methods and foster a healthy work-life balance",[31] the two Under-Secretary-Generals for Department of Peacekeeping Operations/Department of Field Support sent a note to managers on "Policies available to encourage work-life balance". The Department of Peacekeeping Operations/Department of Field Support also recently launched a participatory study intended to foster a working climate in which both men and women can achieve their full productivity and potential in a professionally respectful environment.

[31] Secretary-General's memo to heads of departments and offices, 3 April 2008, para. 3 (b).

C. Prohibition of discrimination, harassment, including sexual harassment, and abuse of authority

101. The Secretary-General's bulletin of 11 February 2008 on prohibition of discrimination, harassment including sexual harassment, and abuse of authority (ST/SGB/2008/5) came into effect in March 2008 and applies to all staff of the Secretariat. The bulletin defines prohibited conduct including harassment, sexual harassment, discrimination and abuse of power. It also outlines the formal and informal measures an aggrieved individual may pursue in the event of a complaint. Complaints of prohibited conduct may be made by any staff member, consultant, contractor, gratis personnel, including interns, and any other person who may have been subject to prohibited conduct on the part of a staff member in a work-related situation.

D. Training and career development

102. Analysis of year-by-year data on staff development activities[32] indicates that in 2007 the participation in the Leadership, Management and Organizational Development learning category was higher than in any other year. However, the overall participation rate of women in that programme was lower than that of the men (5,905 out of 12,246, 48.2 per cent). At the Professional level, women had greater participation in three learning categories[33] but their participation was lower in the Leadership, Management and Organizational Development (2,400 out of 5,418, 44.3 per cent) and Information Technology and Upgrading IT Skills (539 out of 1,339, 40.3 per cent) programmes. The Senior Women in Leadership Programme remains a well appreciated professional network for women which risks being cut because of resource limitation. Also mentoring, while required for women's career development at all levels, continues to be available only for entry-level staff at the P-2 level and for a period of one year. At the General Service level, the number of women participants exceeded the number of men in all the learning programmes.

E. Spouse employment

103. Spouse employment is an increasing concern for recruitment of women and men. To harmonize services provided to spouses, the Secretariat joined with the agencies, funds and programmes, to facilitate the establishment of the Local Expatriate Spouse Association in New York. UNDP is currently coordinating the Association, including the division of responsibilities among the stakeholders. An agency, fund or programme is expected, for example, to volunteer to undertake the coordination of job search workshops. The Staff Well-Being Section of the Secretariat will continue to assist in processing work permits for spouses. In addition, the United Nations Secretariat continues as a member of Partnerjob.com and the Permits Foundation, which work to match spouses' qualifications with job openings, and to persuade Governments to relax work permit regulations for spouses, respectively. The United Nations Learning Section also partners with the

[32] Office of Human Resources Management, Staff development activities report, March 2008.

[33] Human and Financial Resources Management Programme, Upgrading of Substantive Skills and Career Support, and Language and Communications Programme.

Staff Well-Being Section to allow spouses to participate in language classes for a fee. The pilot started with the English class, in which two spouses have enrolled so far.

F. Informal barriers

104. Informal barriers are repeatedly cited by studies in the United Nations system as a strong factor impeding progress towards gender parity. Exit and annual surveys and other instruments are useful tools to identify and understand the issue in the broader scheme of the organizational culture and practice. Academic and empirical research shows that four major factors contribute to female attrition and require significant attention: (a) hostility of the work place culture; (b) a sense of isolation as one of the few, or only, females in the team; (c) extremely demanding tasks with long work weeks and very frequent travel; and (d) lack of sponsors for career advancement.[34] An analysis of a non-mandatory web-based exit questionnaire in the United Nations Secretariat covering the period February 2007 to February 2008 with 513 respondents (27 per cent response rate) found that women were less satisfied than men with their work experience and development opportunities. However, both expressed the same level of satisfaction with conditions of service.

105. With respect to work/life balance policies, informal cultural barriers were repeatedly cited as impediments. For example, an analysis of the causes of slow advancement for women in the United Nations system in 2006 (see A/61/318) revealed that, despite progress made in establishing work/life balance policies, such policies were viewed by the informal managerial culture as a barrier to productivity and efficiency, incompatible with career advancement and performance in managerial level posts and applicable only to women.

106. Greater flexibility in work methods, expected to be incorporated in the upcoming gender strategy, should address some aspects of the issue. In addition, the Capital Master Plan and related high costs of relocation and rental of office space provide an opportunity and an incentive to encourage alternative workplace arrangements. Official calculations of the Capital Master Plan, for example, indicate that if 20 staff would share 10 desks by use of telecommuting, the Organization would save over $1 million (approximately $105,000 per person). Some 3,000 staff are expected to be relocated, yielding cost savings of $10 million if only 200 staff (less than 10 per cent) would telecommute on a regular basis. No new policies would be required. Achieving that result would simply require management to make the use of existing policies.

G. Recommendations

107. The previous reports (A/59/357 and A/61/318) contained suggested measures for both the Secretariat and the United Nations system. In addition, the recommendations emanating from the Expert Group Meeting reported on in section IV above, in large measure, mirror them. Several of these are currently being adopted for implementation. During the present reporting period, however, the

[34] Sylvia Ann Hewlett, Carolyn Buck Luce and Lisa J. Servon, "Stopping the exodus of women in science", *Harvard Business Review* (June 2008).

decisions of the Secretary-General emanating from his Policy Committee of 14 February 2008 have focused on the recommendation to strengthen the engagement, including messaging, of the leadership at the highest level, develop a gender strategy, institute a gender scorecard, enhance implementation of flexible work arrangements and fully implement the newly issued terms of reference of the focal points.

VIII. Conclusions

108. The situation and accompanying analysis in the present report, reflecting the proportion of women staff both in the wider United Nations system and in the United Nations Secretariat, must be viewed against progress towards the declared goal of gender parity, which was to have been attained by the year 2000. They show clearly that the pace of progress towards the goal of gender parity has been markedly slow, even marginal. This regrettable trend must be addressed with urgency.

109. Statistical analysis is a prominent indicator of the status of women. In the United Nations system, the overall increase in women staff, now at 38.2 per cent, has been minimal, totalling 1.3 per cent over the entire three-year period, 1 January 2005 to 30 December 2007, although at certain levels there are better figures. In promotions, parity has been reached only at the lower levels, while at senior levels, it is only one third. Regarding external recruitment at the senior levels of D-1 and above, women constitute only 29 per cent, with only 24 per cent at the D-2 level. Further, the number of women resident coordinators has dropped from 32.5 per cent to 30.8 per cent over the last two years, reversing a very positive trend witnessed in the previous reporting period. Separations of women are also higher in proportionate terms than for men, especially through resignations, and even higher for health reasons. Those trends are unfortunate evidence that the measures taken in the various components of the United Nations system have brought little material progress.

110. Impediments reported by United Nations organizations can be divided into seven broad categories: inadequate accountability, monitoring and enforcement mechanisms, lack of special measures for gender equality; the absence of, or weak, integration of focal point systems within departments; weak implementation of flexible work arrangements; insufficient outreach; low numbers of qualified women applicants; and lack of adequate data on the causes of high attrition rates for women.

111. In spite of marginal progress, the issue of gender balance in the United Nations system has gained prominence since the last reporting period. This, together with an increased awareness of the absence of even suboptimal progress since the previous reporting period, has contributed significantly to this renewed interest which has the potential of instigating concrete advance in a stagnant situation. It is noteworthy that this new interest has led to some good practices which are described briefly in the present report.

112. With respect to the United Nations Secretariat in particular, regrettably, the proportion of women in the Professional and higher categories has remained virtually static since mid-2006 with an overall growth of a mere 0.1 per cent per year over the current two-year reporting period. At the P-4 level, from which staff can expect to advance to more responsible senior positions, the proportion has

remained static at 35.9 per cent. At more senior levels, the picture is somewhat brighter, with an increase of 1 per cent, and at 2.2 per cent at the USG/ASG levels, over the same period. But at the D-2 level, there has been a marked decrease of 6.6 per cent, to 23.4 per cent.

113. The entire system must more than redouble its efforts through adopting new policies where none exist and more rigorously implement existing ones. Only then can meaningful advance towards gender parity be achieved in the United Nations system.

114. Reversing the past trends, with only a 3 per cent increase in women staff in 10 years from 1998 to 2008, is a formidable challenge. Reflecting the priority attached to this issue by the Secretary-General, the policy committee has addressed this issue, and taken decisions which are being guided by the Deputy Secretary-General. With respect to monitoring and accountability in particular, the Secretary-General stressed the responsibility of senior managers, especially heads of departments and offices to ensure greater implementation of existing policies, a system of reporting and accountability involving monitoring by the Department of Management, the Office of Human Resources Management and the Office of the Special Adviser on Gender Issues is being introduced.

115. Efforts must be made to overcome the United Nations system's informal organizational cultures which constrain the advancement of women staff. The implementation of flexible work arrangements and work/life policies and practices to ensure healthy work environments to enable women, and men, to perform their duties to their full potential is essential. These aspects have been stressed in reports and meetings of ICSC, CEB, the Expert Group on the status of women staff in the United Nations system, and responses to surveys conducted by the Office of the Special Adviser. One approach would be for each entity of the United Nations system to ensure the effective implementation of flexible working arrangements, including a strong communication campaign to raise awareness of this policy and to encourage all staff members, both women and men, to utilize it.

116. With respect to upcoming opportunity, almost all organizations will face a very significant number of retirements, creating an opportunity to considerably accelerate progress towards gender parity through the implementation of increased promotion and recruitment of suitably qualified women. As indicated by the surveys conducted by ICSC and the Office of the Special Adviser, it would appear that there is a growing realization that more rigorous implementations of both temporary special measures, (wherein as equally or better qualified women candidates must be selected) and flexible work methods, constitute a necessary, although not sufficient condition, to accelerate progress, increase productivity and work satisfaction to attain and sustain gender balance. Strong and consistent messages to that effect from the top senior management would be required. In addition, in principle, temporary special measures may be applied to address gender underrepresentation at the division and departmental level. The trend in several entities indicates that, women, even when at decision-making levels, remain clustered more in support functions rather than line functions.

117. The Secretary-General remains committed to achieving gender parity in the Secretariat.

Annex I

Gender distribution of staff in the Professional and higher categories in the organizations of the United Nations system at Headquarters, other established offices and project posts, as at 31 December 2007

	UG[a]		D-2		D-1		P-5		P-4		P-3		P-2		P-1		Total				
Organization	*M*	*F*	*M*	*F*	*M*	*F*	*M*	*F*	*M*	*F*	*M*	*F*	*M*	*F*	*M*	*F*	*M*	*F*	*Total 2007*	*Percentage of women Dec. 2007*	*Percentage of women Dec. 2004*	*Change in percentage points*
FAO	14	2	37	7	103	13	302	77	330	107	157	120	78	82	10	4	1 031	412	1 443	28.6	27.7	0.9
IAEA	5	1	7	2	27	4	168	27	229	71	181	75	12	6	0	0	629	186	815	22.8	18.5	4.3
ICAO	0	0	2	3	16	2	38	7	104	35	25	18	11	23	0	0	196	88	284	31.0	21.9	9.1
ICJ	1	0	1	0	1	0	2	0	8	4	6	11	4	6	0	0	23	21	44	47.7	34.9	12.8
ICSC	2	0	1	0	3	0	1	0	2	5	2	1	2	1	0	0	13	7	20	35.0	35.0	0.0
IFAD	4	1	6	1	8	6	55	19	44	24	15	41	10	24	2	2	144	118	262	45.0	42.0	3.0
ILO	5	4	15	7	37	32	234	92	177	116	82	99	15	48	7	8	572	406	978	41.5	40.3	1.2
IMO	1	0	3	3	17	1	24	10	22	13	13	14	5	20	0	0	85	61	146	41.8	33.1	8.7
ITC	0	1	1	0	2	2	16	2	18	10	13	8	9	8	1	2	60	33	93	35.5	30.5	5.0
ITC-ILO	0	0	1	0	2	0	11	4	14	9	15	9	5	4	0	0	48	26	74	35.1	36.8	-1.7
ITU	5	0	3	0	13	1	64	15	65	19	37	50	21	9	1	3	209	97	306	31.7	27.5	4.2
PAHO	0	3	1	0	22	14	41	26	136	70	31	27	13	17	1	2	245	159	404	39.4	41.8	-2.4
United Nations	80	18	101	31	283	114	748	339	1 453	798	1 366	945	392	396	2	1	4 425	2 642	7 067	37.4	37.3	0.1
UNAIDS	2	1	5	3	16	9	64	41	50	60	27	38	3	7	0	0	167	159	326	48.8	41.2	7.6
UNDP	6	7	50	19	152	77	314	169	304	174	217	124	103	148	8	14	1 154	732	1 886	38.8	38.3	0.5
UNESCO	11	1	22	7	50	14	105	68	117	79	101	137	87	127	6	20	499	453	952	47.6	45.1	2.5
UNFPA	0	3	9	6	45	25	97	96	69	65	16	31	13	45	4	3	253	274	527	52.0	50.4	1.6
UNHCR	2	2	11	7	57	37	136	69	310	184	326	249	91	59	0	0	933	607	1 540	39.4	40.5	-1.1
UNICEF	2	2	21	11	54	40	259	164	432	363	349	345	117	226	9	4	1 243	1 155	2 398	48.2	46.2	2.0
UNIDO	1	0	5	0	26	9	68	11	39	16	49	22	15	11	6	1	209	70	279	25.1	26.6	-1.5
UNITAR	1	0	0	0	1	1	5	5	3	2	3	5	1	2	0	0	14	15	29	51.7	55.6	-3.9
UNJSPF	1	0	1	1	1	2	9	5	10	6	15	9	0	1	0	0	37	24	61	39.3	37.5	1.8
UNOPS	1	0	1	0	22	5	54	8	126	35	152	65	14	8	0	0	370	121	491	24.6	28.8	-4.2
UNRWA	1	1	3	0	14	5	14	7	44	16	17	18	4	10	0	0	97	57	154	37.0	24.2	12.8
UNU	2	0	6	0	7	0	5	0	11	0	13	2	5	4	0	0	49	6	55	10.9	19.6	-8.7

Organization	UG[a] M	UG[a] F	D-2 M	D-2 F	D-1 M	D-1 F	P-5 M	P-5 F	P-4 M	P-4 F	P-3 M	P-3 F	P-2 M	P-2 F	P-1 M	P-1 F	Total M	Total F	Total 2007	Percentage of women Dec. 2007	Percentage of women Dec. 2004	Change in percentage points
UPU	0	0	0	0	3	0	4	0	5	5	5	6	4	6	2	2	23	19	42	45.2	22.4	22.8
UNWTO	3	0	5	3	12	2	42	13	30	13	9	5	4	3	0	0	105	39	144	27.1	36.8	-9.7
WFP	2	0	3	0	7	1	13	3	19	3	21	9	5	2	0	0	70	18	88	20.5	41.6	-21.1
WHO	2	3	30	9	61	21	136	78	196	129	256	165	85	83	2	5	768	493	1 261	39.1	34.4	4.7
WIPO	18	6	38	12	161	45	478	220	347	262	116	128	45	53	4	5	1 207	731	1 938	37.7	41.5	-3.8
WMO	6	1	13	2	27	4	69	22	75	52	52	65	16	42	0	0	258	188	446	42.2	25.8	16.4
Total	**178**	**57**	**402**	**134**	**1 250**	**486**	**3 576**	**1 597**	**4 789**	**2 745**	**3 687**	**2 841**	**1 189**	**1 481**	**65**	**76**	**15 136**	**9 417**	**24 553**	**38.4**	**36.9**	**1.5**

Source: Submissions from United Nations entities (2007).

[a] UG stands for "ungraded", e.g. Under-Secretary-General, Assistant Secretary-General, Deputy Secretary-General, Assistant Director-General, Director-General, Secretary-General.

Annex II

Gender distribution of staff (100 and 300 series) in the Professional and higher categories in the United Nations Secretariat by department/office and grade, as at 30 June 2008

	USG		ASG		D-2		D-1		P-5		P-4		P-3		P-2		P-1		Total		Grand total	Percentage of women
Department/Office	*M*	*F*	*M*	*F*	*M*	*F*	*M*	*F*	*M*	*F*	*M*	*F*	*M*	*F*	*M*	*F*	*M*	*F*	*M*	*F*		
CTED[a]			1		1		2		6	3	7	4	2						19	7	26	26.92
DESA	6		2	1	6	2	20	10	37	24	43	41	28	26	22	18			164	122	286	42.66
DFS		1		1	2		4		15	7	31	24	48	25	10	5			110	63	173	36.42
DGACM	1		1		3	2	11	6	65	48	108	86	92	91	11	13			292	246	538	45.72
DM/CMP			1						1	2	2		4						8	2	10	20.00
DM/OCSS					1	1	8		17	6	29	12	28	18	12	6			95	43	138	31.16
DM/OHRM				1	1	1	2	2	6	8	12	18	9	13	3	6			33	49	82	59.76
DM/OPPBA			1		1	1	4	3	8	15	19	22	16	21	7	3			56	65	121	53.72
DM/OUSG	1	2			1	1	2	2	5	4	8	4	1	3	1	1			19	17	36	47.22
DM/SECCO					1		1		3	2		3		1					5	6	11	54.55
DPA	5		2		5	2	9	6	12	13	22	19	9	7	8	5			72	52	124	41.94
DPI	1				2	1	7	11	18	16	42	29	33	47	16	28			118	132	250	52.80
DPKO	1		2		4	1	7	4	23	6	89	17	33	28	1	8			160	64	224	28.57
DSS	1				2	1	2	1	13	1	24	10	15	8	2	3			59	24	83	28.92
ECA	1					1	7	3	27	4	34	16	40	15	12	9			121	48	169	28.40
ECE	1				1		4	3	15	6	20	10	14	12	7	8			62	39	101	38.61
ECLAC	1						10	2	13	5	32	18	19	16	18	18			93	59	152	38.82
EOSG	1	1	3	1	5		4	2	5	2	6	6		7	3	3			27	22	49	44.90
ESCAP		1			1		8	2	20	9	41	9	30	12	12	16			112	49	161	30.43
ESCWA	1						3	1	12	4	11	14	12	9	5	7			44	35	79	44.30
Ethics Office					1					1		1	1						2	2	4	50.00
FMADPKO[b]	18	1	22	3	26	1	80	18	184	58	486	170	674	291	164	130	1		1 655	672	2 327	28.88
INTERORG[c]									1	1		1	2						3	2	5	40.00
OCHA	1			1	4		2	3	17	10	14	34	22	14	4	7			64	69	133	51.88
ODA	1				1	1	2	2	10	2	8	2	1	2	1	3			24	12	36	33.33

Department/Office	USG		ASG		D-2		D-1		P-5		P-4		P-3		P-2		P-1		Total		Grand total	Percentage of women
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F		
OHCHR		1		1	2	1	6	2	34	15	44	41	65	71	9	25			160	157	317	49.53
OHRLLS	1	0				1			2	1	1	0	0	1	1	1			5	4	9	44.44
OIOS		1			1		3	2	12	7	46	15	21	37	4	5			87	67	154	43.51
OLA	1		2		2	2	4	5	14	6	7	13	9	8	4	10			43	44	87	50.57
Ombudsman			1					1		1				1					1	3	4	75.00
OSAA					1				1	2		1		3					2	6	8	75.00
OSRSGCAAC[d]		1								1	2								2	2	4	50.00
REGCOM[e]									1			1							1	1	2	50.00
UNAT[f]										1				1						2		100.00
UNCC							1		1	1				1					2	2	4	50.00
UNCTAD	1				3	2	9	5	26	10	32	16	32	25	15	12	1		119	70	189	37.04
UNEP	1		1	1	7	4	30	6	56	19	81	52	57	43	10	22	1		244	147	391	37.60
UNFIP					1		1	1	1		1			2					4	3	7	42.86
UN-Habitat		1		1	3		8	2	20	5	18	9	11	11	1	5			61	34	95	35.79
UNODC	1				1	1	11	3	25	7	15	27	12	23	3	7			68	68	136	50.00
UNOG	2			1	1	1	6	4	43	23	90	52	55	54	9	18			206	153	359	42.62
UNON					1		2		9	1	21	12	16	12	4	4			53	29	82	35.37
UNOV					1	1	3	2	9	7	31	18	22	15	6	5			72	48	120	40.00
Total	**47**	**10**	**39**	**12**	**93**	**29**	**283**	**114**	**787**	**364**	**1 477**	**827**	**1 433**	**974**	**385**	**411**	**3**		**4 547**	**2 741**	**7 288**	**37.61**

Source: IMIS.

[a] Counter-Terrorism Committee Executive Directorate.

[b] Field mission administration, Department of Peacekeeping Operations.

[c] Inter-organizational bodies; includes the Joint Inspection Unit.

[d] Office of the Special Representative of the Secretary-General for Children and Armed Conflict.

[e] Regional Commissions New York Office.

[f] United Nations Administrative Tribunal.

United Nations A/63/365

General Assembly

Distr.: General
19 September 2008

Original: English

Sixty-third session
Agenda item 62 (b)
Elimination of racism and racial discrimination: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Combating defamation of religions

Report of the Secretary-General*

Summary

The present report is submitted in accordance with General Assembly resolution 62/154 and focuses on measures and activities undertaken by Member States, United Nations human rights mechanisms and treaty bodies, United Nations bodies, regional organizations, national human rights institutions and non-governmental organizations on the implementation of the resolution.

* The present report was submitted late in order to reflect recent developments.

08-51173 (E) 171008

Contents

		Page
I.	Introduction	3
II.	Contributions received	3
	A. Member States	3
	B. United Nations human rights mechanisms and treaty bodies	11
	C. United Nations bodies	13
	D. Regional organizations	14
	E. National human rights institutions	15
	F. Non-governmental organizations in consultative status with the Economic and Social Council	16
III.	Conclusion	18

I. Introduction

1. In its resolution 62/154, the General Assembly expressed its deep concern about the negative stereotyping of religions and manifestations of intolerance and discrimination in matters of religion or belief still in evidence in the world. In paragraphs 10 and 11, the Assembly emphasized "that everyone has the right to hold opinions without interference and the right to freedom of expression, and that the exercise of these rights carries with it special duties and responsibilities and may therefore be subject to limitations as are provided for by law and are necessary for respect of the rights or reputations of others, protection of national security or of public order, public health or morals and respect for religions and beliefs". The Assembly also urged "States to take action to prohibit the advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence".

2. In paragraph 19 the General Assembly requested the Secretary-General to submit to it, at its sixty-third session, a report on the implementation of the resolution, including on the possible correlation between defamation of religions and the upsurge in incitement, intolerance and hatred in many parts of the world.

3. At the sixty-second session, the Secretary-General submitted a report in accordance with resolution 61/164, in which the Assembly requested the Secretary-General to submit a report on the implementation of that resolution. In that report, the Secretary-General focused on measures and activities undertaken by States, the Office of the United Nations High Commissioner for Human Rights, human rights mechanisms and national human rights institutions with regard to defamation of religions.

4. In preparing the present report, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sent notes verbales to Member States, United Nations bodies, regional organizations, national human rights institutions and non-governmental organizations, requesting information on the implementation of resolution 62/154 to be received by 24 June 2008.

5. Following the request, OHCHR received contributions from 13 Member States, namely, Argentina, Bahrain, Burkina Faso, Cuba, Egypt, Georgia, Greece, Iran (Islamic Republic of), Lebanon, Oman, Russian Federation, Qatar and the United States of America. Contributions were also received from 2 United Nations bodies, 2 regional organizations, 2 national human rights institutions and 9 non-governmental organizations in consultative status with the Economic and Social Council. The information received by all contributors is summarized in the present report. The original text of the contributions is available for consultation at the Secretariat.

II. Contributions received

A. Member States

Azerbaijan

6. Azerbaijan submitted information on various provisions of its Constitution, which protects against discrimination on the basis of religion. In this regard,

reference is made to article 18, providing that religion in the Azerbaijan Republic is separated from the State. All religions are equal before the law and spreading propaganda of religion, humiliating people's dignity and contradicting the principles of humanism are prohibited. Article 25 stipulates that all people are equal with respect to the law and the courts. Article 47, which concerns freedom of thought and speech, stipulates that everyone may enjoy freedom of thought and speech and that propaganda provoking racial, national, religious and social discord and animosity is prohibited.

7. The Criminal Code provides, under article 283, that anyone who engages in incitement to hatred on the basis of, inter alia, religion would face a financial penalty or imprisonment of up to five years. Azerbaijan stated that it intends to play an important role in interreligious dialogue at the international level.

Argentina

8. In its contribution, Argentina stated that freedom of religion is guaranteed under several articles of the Constitution. For instance, article 14 establishes that all the inhabitants of the nation are entitled to profess their religion. Article 19 establishes that private actions of men which in no way offend public order or morality, nor injure a third party, are only reserved to God and are exempted from the authority of judges. No inhabitant of the nation shall be obliged to perform what the law does not demand nor deprived of what it does not prohibit. Article 20 establishes that foreigners enjoy within the territory of the nation all the civil rights of citizens. They may practice their religion freely.

9. Several international human rights instruments related to freedom of religion apply in Argentina since article 75/22 of the Constitution provides that treaties and concordats have a higher hierarchy than laws. Argentina also stated that it recognizes the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and the "religious cosmovision" of indigenous peoples.[1]

Bahrain

10. In its contribution, Bahrain reported that its national vision is to construct a forward-looking and closely knit Islamic society based on an Islamic approach that is characterized by moderation, temperance and support for national unity and dialogue among civilizations. The Ministry of Justice and Islamic Affairs is responsible for promoting this vision. In this regard, the mission of the Ministry is to work in the service of the Holy Koran, disseminating Islamic culture on the basis of a moderate and contemporary conception of Islam, overseeing the organization of mosques, developing *awqaf* (religious endowments) and resources from the *zakat* (alms-tax) and improving the quality of services for pilgrims who undertake the *hajj* (annual pilgrimage to Mecca during the pilgrimage season) and the *umrah* (pilgrimage outside pilgrimage season). Within this overall goal, the strategy of the Ministry of Justice and Islamic Affairs is to improve relations among human beings and, to that end, the Ministry's academic and religious knowledge programmes have been designed to familiarize non-Muslims with Islam and the sacred tenets and

[1] Argentina submitted the same contribution to the request for information pertaining to the implementation of Human Rights Council resolution 7/19 and General Assembly resolution 62/154.

noble humanitarian principles of Islam. The Fatih Islamic Centre, overseen by the Ministry of Justice and Islamic Affairs, seeks to familiarize the public with Islamic principles as a means of strengthening dialogue and peaceful coexistence among different religions and civilizations.

11. Under the sponsorship of His Majesty King Hamad Bin Isa Al Khalifa, the King of Bahrain, and His Royal Highness Sheikh Abdullah Bin Khalid Al Khalifa, the Deputy Prime Minister, the Ministry of Justice and Islamic Affairs has organized several conferences to promote dialogue. An international conference on dialogue between Islam and Christianity made several recommendations on respect for religions and their adherents and symbols. Another international conference on ways of drawing the different schools of Islamic law closer together recommended, inter alia, that greater emphasis should be placed on ensuring and supporting a culture of respect for others, peaceful coexistence and dialogue, while rejecting all expressions of contempt for, and attempts to misrepresent, others.

12. The Ministry also organized workshops and other activities and special events aimed at promoting Islamic discourse and training promoters of the Islamic faith and preachers to contribute positively to the formation of stronger bonds between all members of the human family, whatever their beliefs and without discrimination. The Ministry has also organized research competitions, on "Religious discourse and contemporary reality", and on the rejection of sectarianism. The Ministry also established an exchange programme between religious scholars from the Kingdom of Bahrain and the United States of America to promote dialogue.

13. In 2008, the Ministry will organize special courses for imams, preachers and promoters of the Islamic faith on themes including dialogue and openness and respect for others, their ideas and the things that they hold sacred. The Ministry is preparing a number of informational programmes, for dissemination via the audio-visual and print media, to promote the concept of moderate thinking. The Ministry produces a periodical on moderate thinking and enhancement of dialogue which features articles by Islamic thinkers from a wide spectrum of religious schools across the Islamic world.[2]

Burkina Faso

14. Burkina Faso expressed its support for General Assembly resolution 62/154 in the light of the impact religious problems, especially those connected to defamation, could have on world peace. The Constitution of Burkina Faso protects freedom of conscience and religion. Concerning the prohibition of defamation of religions, several institutional structures contribute to combating defamation of religions.

15. In the field of information, there exists a High Council for Communication, which regulates information that is made accessible by different organs of the press whether public or private. The High Council ensures that the prohibition imposed by the Information Code against propaganda of a defamatory nature or which serves to advocate hatred and violence is enforced. Thus far, no measure linked to defamation

[2] In a note verbale accompanying its contribution, the Kingdom of Bahrain stated that it is submitting a report on defamation of religions pursuant to two notes verbales sent by OHCHR requesting information on the implementation of Human Rights Council resolution 7/19 and General Assembly resolution 62/154. The contribution from Bahrain is included in both the report to the Human Rights Council and the present report.

of religions has been taken against the media in the light of the harmonious relationship the various religious communities enjoy.

16. Burkina Faso stated that the National Committee of Ethics aims at ensuring social cohesion, respect for cultural and religious diversity and promoting peace. The Commission for Islamo-Christian Dialogue encourages members of the two religious communities to respect their differences and participate in one another's religious celebrations. A third structure, the Convention on Peace Initiatives is preparing an early warning system, which will facilitate the identification of emerging conflicts and proposals to prevent them.

Cuba

17. Cuba noted that Muslims are increasingly the subject of discrimination individually and collectively since the events of September 11. In addition to the negative image of Islam projected by the mass media, discriminatory laws directed exclusively at Muslims have been adopted in some countries. According to Cuba, the most visible facets of Islamophobia can be observed in security policies and counter-terrorism measures. Cuba is respectful of all religious beliefs and protects religious practices, and freedom of religion and conscience is guaranteed to every citizen. Article 294 of the Penal Code sanctions public servants with up to two years' imprisonment for violations of the right of freedom of religion. In 1992, Cuba eliminated from its Constitution references to scientific atheism and established absolute separation between Church and State.

Egypt

18. Egypt asserted that defamation of religions and religious discrimination/hatred/intolerance are two interconnected issues. Defamation of religions constitutes a form of incitement to religious hatred, hostility and violence against followers of these religions, which in turn lead to the denial of their fundamental rights. In this connection, Egypt cited the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, in their joint report to the Human Rights Council in which they stated that "the right to freedom of expression can legitimately be restricted for advocacy that incites to acts of violence or discrimination against individuals on the basis of their religion".[3] On this basis, Egypt submitted that combating religious discrimination requires a particular focus on preventing the direct and indirect consequences of defamation of religions.

19. Egypt asserted that States have an obligation to address acts of advocacy to religious hatred perpetrated by non-State actors in the implementation of their positive obligation under article 20 of the International Covenant on Civil and Political Rights and to prohibit such acts which constitute incitement to discrimination, hostility or violence.

20. Egypt submitted that combating incitement to religious discrimination/hatred and freedom of expression are non-mutually exclusive concepts. In this regard, the ability of individuals to express their views on any matter is a prerequisite for democratic governance. However, Egypt stated, democratic societies have nonetheless found it necessary to limit or restrict freedom of expression in

[3] A/HRC/2/3, para 37.

protection of certain rights or values. This, however, should be done in a clearly defined and limited manner and should always be proportionate to the desired objective. Under international human rights law, freedom of expression is not absolute and should be exercised with responsibility and may be subject to necessary limitations as provided by law. International human rights law also provides for the prohibition of any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. Egypt is convinced that continued dialogue among countries is the best way to overcome existing differences in perception with regard to how best to deal with this important issue.

Georgia

21. Georgia referred to several articles of the country's Constitution which provide for the protection of religious freedom and against discrimination. Article 19 guarantees protection of the freedom of speech, thought and conscience, and article 155 of the Criminal Code, which concerns illegal interference with practising religion, stipulates that illegal interference with worship or other religious practice through violence or threat of violence or accompanied by abuse of religious feelings of believers or ministers of religion, shall be punished with fine or correctional labour for a term not exceeding one year or deprivation of liberty for a term not exceeding two years.

Greece

22. Greece stated that the Government has adopted a legislative, regulatory and judicial system that guarantees the protection of religion or beliefs, as well as the prohibition of discrimination, hostility or violence based on religion. The Constitution of Greece prohibits, in article 2, discrimination on various grounds, including religion or beliefs.

23. Law 97/1979 as amended criminalizes offences aimed at discriminating and penalizes acts that will fully and publicly either orally or by the press or by written texts or through depictions or any other means, incite to acts or activities which may result in discrimination, hatred or violence against individuals or groups of individuals on the sole grounds of the latter's racial or national origin or religious belief. It is also a penal offence to express publicly either orally or by the press or by written texts or through depictions or any other means offensive ideas against any individual or group of individuals on the grounds of race, national origin or religious belief.

The Islamic Republic of Iran

24. The Islamic Republic of Iran stated that it noted an increase in incidents of intolerance and discrimination against Muslims and insults against Islam, which, in its view, have become pervasive and are often condoned in certain countries and communities. The "conflation of race, culture and religion" and the fight against terrorism are among the factors that "provide fertile soil for defamation of religions", according to the submission of Iran. To confirm this trend, it cites the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance at the sixth session of the Human

Rights Council,[4] which stated that "the increasing trend in defamation of religions cannot be dissociated from a profound reflection on the ominous trends of racism, racial discrimination, xenophobia and related intolerance". The Islamic Republic of Iran submitted that "freedom of expression cannot be used as a pretext or excuse for incitement to racial or religious hatred". It also decried the "intellectual justification" of insults against Islam, which are sometimes endorsed in political platforms, and the indifference of Governments and other authorities towards these actions.

25. The Islamic Republic of Iran asserts that intolerance and discrimination on the basis of religion are inconsistent with the spirit of the Charter of the United Nations and relevant General Assembly resolutions,[5] all of which seek to promote peaceful coexistence among nations. Furthermore, according to Iran, the Universal Declaration of Human Rights (articles 1 and 2) and article 26 of the International Covenant on Civil and Political Rights clearly impose a legal obligation on States to eliminate discrimination and protect against intolerance. Iran also maintains that the Universal Declaration of Human Rights as well as the International Covenant on Civil and Political Rights, in particular the provision of article 20 (2) which prohibits "the advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence", affirm that freedom of speech entails duties and responsibilities and is subject to limitations. In this connection, Iran referred to the Human Rights Council General Comment No. 11, which recognizes that the limitations in article 20 (2) are compatible with the right to freedom of expression in article 19 of the International Covenant on Civil and Political Rights. According to Iran, the provisions of the International Covenant on Civil and Political Rights against incitement to religious hatred are legitimate safeguards against abuse of the right to freedom of expression.

26. Iran also referred to the 2001 World Conference against Racism, held in Durban, South Africa, and the unequivocal statement in the Durban Declaration and Programme of Action that "the dissemination of all ideas based upon racial superiority or hatred shall be declared an offence punishable by law". This statement, according to Iran, is consistent with article 4 (b) of the International Convention on the Elimination of All Forms of Racial Discrimination, which, Iran states, places "an obligation upon states to be vigilant and proceed against organizations that disseminate ideas based on racial superiority or hatred, acts of violence or incitements to such acts". Iran concluded that the right to freedom of expression should be exercised with the responsibilities and limitations prescribed by law and that the international community should initiate a global dialogue to promote a culture of tolerance and peace based on respect for human rights and cultural diversity. To illustrate the importance that it attaches to the fight against racism, Iran cites several initiatives that it has taken in the last few years, including hosting of the 2007 Ministerial Conference on Human Rights and Cultural Diversity.[6]

---

[4] A/HRC/6/6.

[5] The Islamic Republic of Iran referred specifically to General Assembly resolutions 62/154 on combating defamation of religions, and 55/23, on dialogue among civilizations, as well as Security Council resolution 1624 (2005).

[6] The Islamic Republic of Iran submitted the same contribution to the request for information pertaining to the implementation of Human Rights Council resolution 7/19 and General Assembly resolution 62/154.

Lebanon

27. Lebanon stated that the Directorate for Public Security monitors all forms of media in order to prevent provocation based on various grounds, including racial and religious. Lebanon also stated that its monitoring of the media is intended to prevent the dissemination of information that could incite religious hatred and/or endanger its external relations with other countries or its integrity and security.

Oman

28. The Sultanate of Oman stated that its penal code comprises articles prohibiting defamation of religions and faiths and is punishable by law. In particular, reference is made to article 130 bis which states that any person who promotes or incites religious or sectarian conflicts or theorems of hatred or strife among the population shall be punished by imprisonment for a maximum of 10 years. Article 209 of the penal code stipulates that it is a criminal offence to commit an affront to religions and faiths with a view to causing contempt.

Russian Federation

29. The Russian Federation referred to several pertinent provisions in its Constitution which concern freedom of religion and non-discrimination. In particular, the Russian Federation stated that article 18 guarantees equality of rights and liberties regardless of attitude towards religion. Article 28 guarantees the right of everyone to freedom of religion and conscience, including the right to profess any religion or to profess no religion and to freely choose, hold and disseminate religious or other beliefs and to act in conformity with them.

30. Under article 13, the Constitution prohibits the establishment and activities of public associations whose aims and actions are directed at incitement of religious strife. Article 29 prohibits propaganda of religious superiority and campaigns to incite religious hatred. Article 29 also stipulates that freedom of the mass media is guaranteed and that censorship is prohibited. However, freedom of the mass media shall not be abused to incite religious intolerance or strife.

31. The Russian Federation also made reference to several pieces of legislation in which the above constitutional provisions are further developed, including the Criminal Code. In this regard articles 63, 117, 111, 105, 280, 282 and 239 of the Criminal Code concern crimes involving religious hatred and strife; articles 2, 3 and 86 of the Labour Code concern discrimination based on religion. The Russian Federation also referred to article 3 of the Federal Law on Freedom of Conscience and on Religious Associations of 26 September 1997.

32. Specific references are made to the Federal Law of 25 December 2002 on counteracting extremist activities and amendments thereto of 2006 and 2007, which extensively deal with issues related to incitement of religious strife and hatred, including identifying cases in which registration of religious associations by the State could be refused. Statistics are also provided with regard to the number of sentences issued in connection with religion-related crimes. Reference is also made to the role and activities of civil society to counteract nationalism, xenophobia and religious strife.

Qatar

33. Qatar stated that it is concerned about incidents involving defamation of religions as it holds as a fundamental principle respect for all religions and their symbols. Qatar is of the view that the best approach to prevent defamation of religions is through cross-religion dialogue, thereby ensuring that different religious communities are sens tized to the values of each other. Towards this end, and since 2003, Qatar organizes every year international conferences on dialogue on religions. The sixth one was convened in May 2008. The highest level of leadership of the State maintains a particular interest in preventing defamation of religions and in this regard opened the first and second conferences and delivered messages which concluded that the problems surrounding religious intolerance stem from behaviours of just a few perpetrators. He specified that Muslims, Christians and Jews had lived in peace for centuries and that the clash between the three religions is directly connected to the Israeli-Arab conflict.

34. The conferences made several recommendations, including on measures that could serve to foster tolerance, and that the media and school curricula should be devoid of negative and stereotyping information concerning any of the three religions and that terrorism is not to be connected to any one religion. The conferences also recommended respect for the symbols of religions and places of worship without contradicting the right to freedom of expression. In this connection, the conferences called on the United Nations to develop a new instrument/convention that could address issues connected to respect for all religions and their symbols and limit the dissemination by the mass media, the arts and curricula of misinformation on religions.

United States of America

35. According to the United States, the concept of "defamation of religions" is not supported by international law and efforts to combat "defamation of religions" typically result in restrictions on the freedoms of thought, conscience, religion and expression. The United States asserted that from a legal perspective, the "defamation of religions" concept is deeply problematic since under existing human rights law, individuals — not religions, ideologies, or beliefs — are the holders of human rights and are protected by the law. However, the concept of defamation of religions seeks to convey the idea that a religion itself can be a subject of protection under human rights law, thereby potentially undermining protection for individuals.

36. The United States stated in addition that a defamatory statement (or other communication) is more than just an offensive one. It is also a statement that is false. Because one defence to a charge of defamation is that the statement is in fact true, the concept does not properly apply to that which cannot be verified as either true or false, such as statements of belief or opinion. Even offensive opinions and beliefs are not defamatory. It is also unclear how defamation could be defined considering that one individual's sincere belief that his or her creed alone is the truth inevitably conflicts with another's sincerely held view of the truth.

37. The United States further submitted that even if a defamation standard were to be legally enforceable, and even if it could be enforced in an equitable manner, it would lead to numerous legal claims and counterclaims between majority and minority religious communities or dissenting members of a faith. Instead of fostering tolerance, such a standard would almost certainly lead to greater conflict

and intolerance. What is considered to be a sacred statement by one may be viewed as sacrilegious to another, and could therefore be legally actionable as a "defamation of religion".

38. Regarding freedom of expression, the United States expressed the view that government should not prohibit or punish speech, even offensive or hateful speech, because of an underlying confidence that in a free society such hateful ideas will fail because of their own intrinsic lack of merit. However, freedom of expression that threatens the public good is not absolute, prohibitions are restricted to forms of expression that threaten the public good by, for example, inciting imminent violence or other unlawful activity; expression is not restricted merely for being offensive.

39. The United States agreed that more must be done to promote inter-religious understanding and believes concrete action supporting tolerance and individual rights is the best way to combat abusive actions and hateful ideologies.

B. United Nations human rights mechanisms and treaty bodies

40. While noting that other treaty bodies may have explicit competence to address religious discrimination, the Committee on the Elimination of Racial Discrimination has had numerous occasions to address double discrimination on the ground of race and religion, and has stressed the "intersectionality" of racial and religious discrimination and recommended that religious discrimination, including that against immigrant religious minorities be likewise prohibited. Furthermore, the Committee on the Elimination of Racial Discrimination reminded States that they should ensure that all persons enjoy their right to freedom of thought, conscience and religion, without any discrimination based on race, colour, descent or national or ethnic origin, in accordance with article 5 (d) of the Convention.

41. When examining periodic reports, the Committee on the Elimination of Racial Discrimination has expressed its concern about reported cases of Islamophobia following the 11 September attacks. Furthermore, while taking note that the criminal legislation of some States includes offences where religious motives are an aggravating factor, it has regretted that incitement to racially motivated religious hatred is not outlawed. The Committee has recommended that States give early consideration to the extension of the crime of incitement to racial hatred to cover offences motivated by religious hatred against immigrant communities.

42. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance submitted his report at the ninth session of the Human Rights Council[7] pursuant to resolution 7/19, in which the Council invited the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to continue to report on all manifestations of defamation of religions, and in particular on the serious implications of Islamophobia for the enjoyment of all rights to the Council at its ninth session.

43. The report of the Special Rapporteur examined the phenomenon of Islamophobia. In it, the Special Rapporteur synthesized and updated the analysis, conclusions and recommendations on defamation of religions that he had already

[7] A/HRC/9/12.

provided in various reports to the Human Rights Council and to the Commission on Human Rights. In this latest report, the Special Rapporteur cautioned, however, against prioritization of efforts to combat all forms of discrimination and asserted that there can be no hierarchy in combating discrimination which targets various religions. He referred to his previous reports in which he remarked that the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities required, inter alia, the promotion of in-depth intercultural and interreligious dialogue.

44. The Special Rapporteur participated in a panel discussion held at the first substantive session of the Preparatory Committee for the Durban Review Conference on 22 April 2008. In accordance with decision PC.2/3 adopted by the Preparatory Committee, the panel discussed the objectives of the Durban Review Conference. On that occasion, the Special Rapporteur highlighted the need to shift the present debate on the sociological concept of "defamation of religions" to the notion of incitement to racial and religious hatred as contained in international instruments, particularly the International Covenant on Civil and Political Rights. The Special Rapporteur further highlighted that the main challenge facing Member States during the review process is to transcend the North-South divisions that have characterized the recent debates on racism and to understand that racism is a global problem affecting all countries.

45. At the invitation of the Government, the Special Rapporteur on freedom of religion or belief visited the United Kingdom of Great Britain and Northern Ireland from 4 to 15 June 2007. In her report on the visit, submitted at the seventh session of the Human Rights Council (A/HRC/7/10/Add.3), the Special Rapporteur presented an overview of the international human rights obligations and the domestic legal framework on freedom of religion or belief. She agreed with the Assembly of the Council of Europe, which recommended in its resolution 1805 (2007) that the Committee of Ministers ensure that national law and practice in member States of the Council of Europe be reviewed in order to decriminalize blasphemy as an insult to a religion.

46. The Special Rapporteur reiterated that a useful alternative to blasphemy laws could be to fully implement the protection of individuals against advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence according to article 20, paragraph 2, of the International Covenant on Civil and Political Rights.

47. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on freedom of religion or belief and the Special Rapporteur for the promotion and protection of the right to freedom of opinion and expression issued a joint statement in Geneva on 28 March 2008, criticizing the provocative nature of a film depicting an extremely distorted vision of Muslims, and urging a calm and measured response to its release. The film *Fitna* illustrates an increasing pattern that associates Muslims exclusively with violence and terrorism.

48. The Rapporteurs stated that "While on the one hand, freedom of expression is a fundamental human right that must be respected, it does not extend to include incitement to racial or religious hatred, which is itself clearly a violation of human

rights. Public expressions that paint adherents of a particular religion as a threat to peace or global stability are irresponsible ... We recognize the quick and balanced reaction of the ... Government [of the Netherlands] to the release of this film in which it rejects the equation of Islam with violence and notes that the 'vast majority of Muslims reject extremism and violence' ... We believe that enhanced efforts to promote interreligious and intercultural dialogue may help to restrain any possible violent reaction".

C. United Nations bodies

Office of the United Nations High Commissioner for Refugees

49. In its contribution on the implementation of the resolution, the Office of the United Nations High Commissioner for Refugees (UNHCR) made the connection between defamation of religions and forced displacement. Defamation of religions, which foster intolerance and can result in harassment, attacks and persecution, can be a cause of flight. UNHCR stated that groups of people who belong to a minority religion or are of a particular ethnicity, for instance, may be forced to flee either within their country or to another as a result. Such groups and individuals may be associated because of their religion, ethnicity or other factors with actions perceived as defamation and face persecution as a result.

50. UNHCR submitted that where an individual fleeing persecution as a result of defamation of religions has a well-founded fear of persecution for a reason related to the refugee definition contained in the 1951 Convention relating to the Status of Refugees, this may in turn result in a need for international protection. In other situations, refugees and returnees may face problems integrating into new communities, for instance, if they are of a religious minority in their country of asylum or upon return and they are subject to intolerance by the community in which they now are because of their religious beliefs.

51. According to OHCHR, defamation of religions and the backlash which this has sometimes occasioned can have complex consequences. It can, for instance, hamper the delivery of assistance by humanitarian organizations, which may be associated by religious groups, for instance, with the nationality of a country where such defamation is reported to have taken place, including in the name of free speech. This may result in attacks on such individuals regardless of their commitment to the impartial delivery of assistance and therefore restrict the delivery of such assistance to displaced persons and others in humanitarian need.

Economic and Social Commission for Western Asia

52. The Economic and Social Commission for Western Asia (ESCWA) stated that it has witnessed a clear manifestation of defamation of religions in Western Asia in the growing rise of religious or rather sectarian tension in Western Asia. Exacerbating this state of affairs, aside from an array of political, social and economic factors, is the portrayal of religion or religious values as incompatible or opposed to human rights. In this regard, ESCWA, in partnership with a number of United Nations entities, including UNICEF, UNESCO and the Human Rights Office in the United Nations Assistance Mission for Iraq, have developed an initiative that seeks to address ethno-sectarian tension in the Arab world, which is based on the commonalities between religious, traditional, human rights and civic values.

Identifying these commonalities and projecting them in a culturally sensitive manner will serve to mitigate sectarian tension, as well as curtail defamation of religions in the region.

53. According to ESCWA, extensive research, wide consultations and creativity in identifying, articulating and presenting the commonalities between the concepts of human rights and citizenship on the one hand and cultural and religious values on the other will be undertaken. The strong analytical component of the initiative serves also to address the root causes of current sectarian tension and identify realizable and home-grown mitigating measures. The outcome of the aforementioned process will then be introduced into the mainstream culture, especially among Arab youth. This will be achieved through the production of non-formal educational material (books, board games, etc.), toolkits and communications campaigns, and training of concerned public servants and civil society activists in the utilization of these tools.

54. The main direct beneficiaries or targets of the initiative are Iraqi and Arab adolescents (12-15 and 15-18 years old). The initiative pays particular attention to women and to gender concerns. The initiative will also benefit educators from public and civic institutions, which include educators from the formal and informal education system.

D. Regional organizations

Organization of the Islamic Conference

55. The Organization of the Islamic Conference (OIC) sent to OHCHR, as its contribution, the updated version of the "OIC Observatory Report on Islamophobia" for the period of May 2007-May 2008. In the report, the OIC expresses utmost concern regarding the continued attacks by a section of marginal groups and individuals in the West on the most sacred symbols of Islam. According to the OIC, the manifestations of Islamophobia cited in the report provide sufficient evidence of the rising trend of Islamophobia in parts of the Western world.

56. The OIC submitted that the instances quoted or referred to in the report corroborate that marginal Western groups and individuals, motivated by hatred and intolerance against Muslims and Islam, remain unabated in acts of provocation and incitement of religious intolerance by misuse or abuse of the right to freedom of expression. The need to address this issue through the adoption of an adequate international instrument is underscored in the report. In the report the OIC highlights actions undertaken by the OIC General Secretariat to raise the awareness of the international community of the dangers of Islamophobia by engaging with Western interlocutors. It argued that Islamophobia reveals not only a campaign of religious intolerance but a new form of racism.

57. Regarding positive developments, the OIC also submitted that statements of some Western political leaders and think tanks, including research institutions, indicate the recognition in the West that Islamophobia is an issue of concern. The report concludes that OIC member States may continue to vigorously pursue their efforts to combat Islamophobia at the multilateral and bilateral levels.

Council of Europe

58. The Council of Europe stated that it is committed to non-discrimination and tolerance. Freedom of religion is one of the foundations of democratic society and protected under article 9 of the European Convention on Human Rights. The Council emphasized that article 9 protects the rights of individuals and cannot therefore be construed as protecting a religion as such from verbal attacks.

59. The Council provided some examples of its activities reflecting the aims of General Assembly resolution 62/154. They include activities undertaken by the European Commission against Racism and Intolerance which cover measures to combat violence, discrimination and prejudice faced by persons or groups of persons. The Commissioner for Human Rights regularly investigates the role that major monotheistic religions can play in disseminating and promoting human rights. A White Paper on Intercultural Dialogue was launched by the Committee of Ministers in May 2008. The White Paper reasons that the intercultural approach offers a forward-looking model for managing cultural diversity. The Council also contributes to the "Alliance of Civilizations" and has concluded a memorandum of understanding with the Alliance to strengthen cooperation.

E. National human rights institutions

Australian Human Rights and Equal Opportunity Commission

60. The Australian Human Rights and Equal Opportunity Commission submitted a report on the issue of combating the defamation of religions. In the report, the Commission stated that since the events of 11 September 2001, Australia, like so many other countries, had faced numerous dilemmas. The Commission raised many points. In summary, with regard to the issue of defamation of religions, in particular, it expressed the following views: it is concerned about some of the wording, focus and omissions of General Assembly resolution 62/154, but supports the broad rationale and goals that informed it; the Commission condemns all forms of violence and endorses the idea that the "civil path to peace" across the world is one that must be taken within the framework of human rights; given the extreme complexity of the issues, novel approaches should be used to find solutions to existing and emerging problems; there is a role for national human rights institutions in the area of counter-radicalization, terrorism, and the defamation of religions.

61. The Commission highlighted the risks faced by national human rights institutions, which must walk a difficult path between the competing aspects of promoting and protecting human rights, condemning violence, supporting communities, monitoring security measures, and informing policy development. It is using a whole-of-community/partnership model, based on the methodology of health promotion and the principles of human rights, to respond to this complex environment.

National Commission on Human Rights of Mexico

62. The National Commission on Human Rights of Mexico stated that there is no major obstacle in Mexico to the enjoyment of the right to freedom of religion. However, there are situations that still require improvement. The Commission

submitted a document in which it listed the actions taken to strengthen the observance of the right of freedom of religion for the period from January 2003 to June 2008. During that period, the Commission received 22 complaints related to religious intolerance or discrimination on religious grounds and it issued eight recommendations to the Government on measures which could serve to improve the situation. It organized 19 training sessions and 12 dissemination campaigns with the participation of 52 non-governmental organizations with a view to combating discrimination based on religion and supporting tolerance.

F. Non-governmental organizations in consultative status with the Economic and Social Council

63. One of the non-governmental organizations (NGOs) stated that in order to properly understand the philosophy behind "defamation of religions", it is instructive to go to the source, in this case, the countries of the Organization of the Islamic Conference, which have designed the concept. According to this NGO, an examination of the OIC conception of human rights in the areas of religious freedom and expression shows a distinct conflict with the international bill of human rights. The implementation of domestic laws to combat defamation of religions in many of those countries is said to reveal a selective enforcement towards religious minorities for violations.

64. The NGO recognized that the religious believer usually holds certain objects of belief to be of a sacred nature, and that proper respect for religions helps individuals to exercise their right to practice their religion freely. However, the NGO submitted, a clear line should be drawn between valid criticism of religion or religious practices and speech that does not serve any purpose except to offend the sacred beliefs of individuals or religions. In this regard, the NGO asserted that OHCHR and the United Nations must not allow the narrow model of "defamation of religion" to become the international standard, but should look instead to article 20 of the International Covenant on Civil and Political Rights as the proper framework to consider the issue and develop guidelines for clear application of laws that seek to protect religious beliefs.

65. Another NGO submitted that while "freedom of religion or belief has its limits, laws and mechanisms of exception targeting specific groups or that are meant to prevent so-called 'sectarian deviations' are not the right answer to perceived possible dangers". The organization reports that over the last 10 years France has been repeatedly criticized at the United Nations and at the Organization for Security and Cooperation in Europe for fostering religious intolerance and discrimination. The organization cites the examples of anti-sect parliamentary commissions that have been set up over the last 10 years in the country, the publication of reports stigmatizing small religious groups, and the adoption of laws specifically targeting them.[8]

66. An NGO expressed concern over the impact of blasphemy legislation on freedom of expression and freedom of religion, including on those who do not

[8] The same contribution was submitted in response to the request for information pertaining to the implementation of Human Rights Council resolution 7/19 of 27 March 2008 and General Assembly resolution 62/154.

practise the predominant religion in a Member State. In this connection, the NGO recommended to the Human Rights Council that the study requested in resolution 7/19 should include (a) an examination of existing blasphemy legislation, and (b) an assessment of the implications for human rights of defamation of religion legislation. The NGO also recommended that a resolution be submitted to call on the States where blasphemy constitutes a capital offence to remove the death sentence as a penalty. Additionally, the NGO suggested that United Nations bodies considering the question of defamation of religions should adopt a similar position as the Council of Europe, where freedom of expression is given much greater weight.[9]

67. Another NGO submitted a contribution which provides a general comment on resolution 7/19 and a sample of cases of individuals whose fundamental rights have been severely restricted by the application of legislation aimed at combating insult to religions. According to the NGO, the existence of legislation aimed at protecting religions from defamation can exacerbate religious tensions and could be abused to dampen legitimate criticism. It is for that reason that it is deeply disappointed with the adoption by the Council of resolution 7/19.[9]

68. An NGO stated that "defamation of religions" as a title simply cannot make sense, as there can be no defamation of an idea one holds to be truth. It needs to be changed to something less confusing, such as "the protection of religious freedom". The NGO asserted that the resolution should reaffirm the standards for protecting freedoms of thought, conscience and belief under the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. According to the NGO the resolution (a) needs to emphasize laws protecting individuals who express viewpoints and practices, thereby encouraging religious freedom; (b) should more expressly protect all religions from intolerance, not just Islam; (c) make a distinction between using religion to incite violence versus creating dialogue or offensive speech which may offend, but not harm, the listener.

69. A group of NGOs submitted in their contribution that freedom of religion should be protected systematically and without discrimination with regard to all individuals and groups. In this regard, they stated that there should be no priority given to any particular religious group or community and that this approach could only serve to reduce the universality of the right to freedom of religion and belief. The group asserted that defamation, incitement and intolerance should not be dealt with through criminal sanctions. Instead, the media, education and intercultural dialogue can be very instrumental in promoting understanding among communities of different faiths.

70. An Association submitted that although there are serious practical difficulties of definition, of legitimate exceptions or defences regarding the term "defamation of religions", the Association believes that speech designed to incite or that is patently liable to incite hatred of people on the basis of their beliefs and thus to make violence against them more likely should be outlawed. Such hatred may indeed be targeted on the basis of religion but it may equally be based on race, nationality, sexuality or some other ground.

---

[9] The same contribution was submitted to the request for information pertaining to the implementation of Human Rights Council (HRC) resolution 7/19 of 27 March 2008 and General Assembly resolution 62/154 of 18 December 2007.

71. The Association expressed the view that insult to the feelings of believers is another matter. Here the feelings exacerbated are not those of potential attackers but of the subjects ("victims") themselves. There is no intent on the part of those expressing their views to incite hatred, nor is it clearly likely that hatred will be incited. Instead, the religious believers object to expressions of criticism of their religion. They entertain and are perhaps encouraged to foster sensitivity to criticism of their religion as a religious duty or manifestation of piety. The Association submitted its conclusion that the feelings of religious believers cannot safely be protected.

III. Conclusion

72. The General Assembly in its resolution 62/154, which forms the basis of the present report, requests that the report on the implementation of the resolution include the possible correlation between defamation of religions and the upsurge in incitement, intolerance and hatred in many parts of the world.

73. The replies presented in the present report indicate that States' constitutions frequently protect freedom of religion and prohibit discrimination against religions and on the basis of religious belief. Through the replies, concern is expressed as to the negative portrayal in the media of religions and in particular Islam. Similarly discrimination on the basis of religion, incitement and intolerance against an individual or group because of religion is also prohibited in the States that responded. Some States have specific provisions in their criminal codes that provide sanctions for discrimination and in particular incitement to hatred on various grounds. While in some States the terminology "incitement" is used, in others, sanctions are imposed on conduct that amount to interference with worship or religious practice through violence or threat of violence or accompanied by abuse of religious feelings of believers or ministers of religion. The desecration, damage or destruction of places of worship, religious symbols and other items related to religion are also criminalized.

74. Some replies addressed the tension that exists between freedom of religion and freedom of expression. Some States are unequivocal as to the special duties and responsibilities that are attached to the exercise of freedom of expression, subject to limitations as provided for by law and as necessary for respect of the rights or reputations of others, protection of national security or of public order, public health or morals and respect for religions and beliefs. But overall, the replies showed differences in interpretation on this issue.

75. Most of the replies which speak of defamation of religions do not reveal a common understanding of what is considered defamation of religions. Other replies suggested that the provisions of the international human rights instruments, particularly the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, provide an appropriate and adequate basis on which the legal and policy responses to incitement to hatred and violence, in particular, can be constructed.

76. At the national level, the reported laws and comments on defamation of religions refer to different phenomena and appear to apply various terms, such as contempt, ridicule, outrage and disrespect, to connote defamation. One State

asserted that defamation of religions constitutes a form of incitement to religious hatred, hostility and violence against followers of these religions, which in turn leads to the denial of their fundamental rights. According to another State, the concept of defamation of religions is not supported by international law and a religion itself cannot be a subject of protection under human rights law as this would potentially undermine protection for individuals.

77. A comprehensive review of trends and patterns would be required to establish how and where incidences of religious defamation and incitement to racial and religious hatred are manifested and thereby establish the correlation between defamation of religions and the upsurge in incitement, intolerance and hatred in many parts of the world. The results of such a comprehensive review would help to evaluate the effectiveness of the existing international legal framework, as well as determine conditions facilitating dialogue and joint action for social harmony, peace, human rights and development, and for combating all forms of racism, discrimination and xenophobia.

United Nations A/63/365*

General Assembly

Distr.: General
21 October 2008

Original: English

Sixty-third session
Agenda item 64 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Combating defamation of religions

Report of the Secretary-General

Summary

The present report is submitted in accordance with General Assembly resolution 62/154 and focuses on measures and activities undertaken by Member States, United Nations human rights mechanisms and treaty bodies, United Nations bodies, regional organizations, national human rights institutions and non-governmental organizations on the implementation of the resolution.

* Reissued for technical reasons.

08-51173* (E) 211008

Contents

		Page
I.	Introduction	3
II.	Contributions received	3
	A. Member States	3
	B. United Nations human rights mechanisms and treaty bodies	11
	C. United Nations bodies	13
	D. Regional organizations	14
	E. National human rights institutions	15
	F. Non-governmental organizations in consultative status with the Economic and Social Council	16
III.	Conclusion	18

I. Introduction

1. In its resolution 62/154, the General Assembly expressed its deep concern about the negative stereotyping of religions and manifestations of intolerance and discrimination in matters of religion or belief still in evidence in the world. In paragraphs 10 and 11, the Assembly emphasized "that everyone has the right to hold opinions without interference and the right to freedom of expression, and that the exercise of these rights carries with it special duties and responsibilities and may therefore be subject to limitations as are provided for by law and are necessary for respect of the rights or reputations of others, protection of national security or of public order, public health or morals and respect for religions and beliefs". The Assembly also urged "States to take action to prohibit the advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence".

2. In paragraph 19 the General Assembly requested the Secretary-General to submit to it, at its sixty-third session, a report on the implementation of the resolution, including on the possible correlation between defamation of religions and the upsurge in incitement, intolerance and hatred in many parts of the world.

3. At the sixty-second session, the Secretary-General submitted a report in accordance with resolution 61/164, in which the Assembly requested the Secretary-General to submit a report on the implementation of that resolution. In that report, the Secretary-General focused on measures and activities undertaken by States, the Office of the United Nations High Commissioner for Human Rights, human rights mechanisms and national human rights institutions with regard to defamation of religions.

4. In preparing the present report, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sent notes verbales to Member States, United Nations bodies, regional organizations, national human rights institutions and non-governmental organizations, requesting information on the implementation of resolution 62/154 to be received by 24 June 2008.

5. Following the request, OHCHR received contributions from 13 Member States, namely, Argentina, Bahrain, Burkina Faso, Cuba, Egypt, Georgia, Greece, Iran (Islamic Republic of), Lebanon, Oman, Russian Federation, Qatar and the United States of America. Contributions were also received from 2 United Nations bodies, 2 regional organizations, 2 national human rights institutions and 9 non-governmental organizations in consultative status with the Economic and Social Council. The information received by all contributors is summarized in the present report. The original text of the contributions is available for consultation at the Secretariat.

II. Contributions received

A. Member States

Azerbaijan

6. Azerbaijan submitted information on various provisions of its Constitution, which protects against discrimination on the basis of religion. In this regard,

reference is made to article 18, providing that religion in the Azerbaijan Republic is separated from the State. All religions are equal before the law and spreading propaganda of religion, humiliating people's dignity and contradicting the principles of humanism are prohibited. Article 25 stipulates that all people are equal with respect to the law and the courts. Article 47, which concerns freedom of thought and speech, stipulates that everyone may enjoy freedom of thought and speech and that propaganda provoking racial, national, religious and social discord and animosity is prohibited.

7. The Criminal Code provides, under article 283, that anyone who engages in incitement to hatred on the basis of, inter alia, religion would face a financial penalty or imprisonment of up to five years. Azerbaijan stated that it intends to play an important role in interreligious dialogue at the international level.

Argentina

8. In its contribution, Argentina stated that freedom of religion is guaranteed under several articles of the Constitution. For instance, article 14 establishes that all the inhabitants of the nation are entitled to profess their religion. Article 19 establishes that private actions of men which in no way offend public order or morality, nor injure a third party, are only reserved to God and are exempted from the authority of judges. No inhabitant of the nation shall be obliged to perform what the law does not demand nor deprived of what it does not prohibit. Article 20 establishes that foreigners enjoy within the territory of the nation all the civil rights of citizens. They may practice their religion freely.

9. Several international human rights instruments related to freedom of religion apply in Argentina since article 75/22 of the Constitution provides that treaties and concordats have a higher hierarchy than laws. Argentina also stated that it recognizes the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and the "religious cosmovision" of indigenous peoples.[1]

Bahrain

10. In its contribution, Bahrain reported that its national vision is to construct a forward-looking and closely knit Islamic society based on an Islamic approach that is characterized by moderation, temperance and support for national unity and dialogue among civilizations. The Ministry of Justice and Islamic Affairs is responsible for promoting this vision. In this regard, the mission of the Ministry is to work in the service of the Holy Koran, disseminating Islamic culture on the basis of a moderate and contemporary conception of Islam, overseeing the organization of mosques, developing *awqaf* (religious endowments) and resources from the *zakat* (alms-tax) and improving the quality of services for pilgrims who undertake the *hajj* (annual pilgrimage to Mecca during the pilgrimage season) and the *umrah* (pilgrimage outside pilgrimage season). Within this overall goal, the strategy of the Ministry of Justice and Islamic Affairs is to improve relations among human beings and, to that end, the Ministry's academic and religious knowledge programmes have been designed to familiarize non-Muslims with Islam and the sacred tenets and

[1] Argentina submitted the same contribution to the request for information pertaining to the implementation of Human Rights Council resolution 7/19 and General Assembly resolution 62/154.

noble humanitarian principles of Islam. The Fatih Islamic Centre, overseen by the Ministry of Justice and Islamic Affairs, seeks to familiarize the public with Islamic principles as a means of strengthening dialogue and peaceful coexistence among different religions and civilizations.

11. Under the sponsorship of His Majesty King Hamad Bin Isa Al Khalifa, the King of Bahrain, and His Royal Highness Sheikh Abdullah Bin Khalid Al Khalifa, the Deputy Prime Minister, the Ministry of Justice and Islamic Affairs has organized several conferences to promote dialogue. An international conference on dialogue between Islam and Christianity made several recommendations on respect for religions and their adherents and symbols. Another international conference on ways of drawing the different schools of Islamic law closer together recommended, inter alia, that greater emphasis should be placed on ensuring and supporting a culture of respect for others, peaceful coexistence and dialogue, while rejecting all expressions of contempt for, and attempts to misrepresent, others.

12. The Ministry also organized workshops and other activities and special events aimed at promoting Islamic discourse and training promoters of the Islamic faith and preachers to contribute positively to the formation of stronger bonds between all members of the human family, whatever their beliefs and without discrimination. The Ministry has also organized research competitions, on "Religious discourse and contemporary reality", and on the rejection of sectarianism. The Ministry also established an exchange programme between religious scholars from the Kingdom of Bahrain and the United States of America to promote dialogue.

13. In 2008, the Ministry will organize special courses for imams, preachers and promoters of the Islamic faith on themes including dialogue and openness and respect for others, their ideas and the things that they hold sacred. The Ministry is preparing a number of informational programmes, for dissemination via the audio-visual and print media, to promote the concept of moderate thinking. The Ministry produces a periodical on moderate thinking and enhancement of dialogue which features articles by Islamic thinkers from a wide spectrum of religious schools across the Islamic world.[2]

Burkina Faso

14. Burkina Faso expressed its support for General Assembly resolution 62/154 in the light of the impact religious problems, especially those connected to defamation, could have on world peace. The Constitution of Burkina Faso protects freedom of conscience and religion. Concerning the prohibition of defamation of religions, several institutional structures contribute to combating defamation of religions.

15. In the field of information, there exists a High Council for Communication, which regulates information that is made accessible by different organs of the press whether public or private. The High Council ensures that the prohibition imposed by the Information Code against propaganda of a defamatory nature or which serves to advocate hatred and violence is enforced. Thus far, no measure linked to defamation

[2] In a note verbale accompanying its contribution, the Kingdom of Bahrain stated that it is submitting a report on defamation of religions pursuant to two notes verbales sent by OHCHR requesting information on the implementation of Human Rights Council resolution 7/19 and General Assembly resolution 62/154. The contribution from Bahrain is included in both the report to the Human Rights Council and the present report.

of religions has been taken against the media in the light of the harmonious relationship the various religious communities enjoy.

16. Burkina Faso stated that the National Committee of Ethics aims at ensuring social cohesion, respect for cultural and religious diversity and promoting peace. The Commission for Islamo-Christian Dialogue encourages members of the two religious communities to respect their differences and participate in one another's religious celebrations. A third structure, the Convention on Peace Initiatives is preparing an early warning system, which will facilitate the identification of emerging conflicts and proposals to prevent them.

Cuba

17. Cuba noted that Muslims are increasingly the subject of discrimination individually and collectively since the events of September 11. In addition to the negative image of Islam projected by the mass media, discriminatory laws directed exclusively at Muslims have been adopted in some countries. According to Cuba, the most visible facets of Islamophobia can be observed in security policies and counter-terrorism measures. Cuba is respectful of all religious beliefs and protects religious practices, and freedom of religion and conscience is guaranteed to every citizen. Article 294 of the Penal Code sanctions public servants with up to two years' imprisonment for violations of the right of freedom of religion. In 1992, Cuba eliminated from its Constitution references to scientific atheism and established absolute separation between Church and State.

Egypt

18. Egypt asserted that defamation of religions and religious discrimination/hatred/intolerance are two interconnected issues. Defamation of religions constitutes a form of incitement to religious hatred, hostility and violence against followers of these religions, which in turn lead to the denial of their fundamental rights. In this connection, Egypt cited the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, in their joint report to the Human Rights Council in which they stated that "the right to freedom of expression can legitimately be restricted for advocacy that incites to acts of violence or discrimination against individuals on the basis of their religion".[3] On this basis, Egypt submitted that combating religious discrimination requires a particular focus on preventing the direct and indirect consequences of defamation of religions.

19. Egypt asserted that States have an obligation to address acts of advocacy to religious hatred perpetrated by non-State actors in the implementation of their positive obligation under article 20 of the International Covenant on Civil and Political Rights and to prohibit such acts which constitute incitement to discrimination, hostility or violence.

20. Egypt submitted that combating incitement to religious discrimination/hatred and freedom of expression are non-mutually exclusive concepts. In this regard, the ability of individuals to express their views on any matter is a prerequisite for democratic governance. However, Egypt stated, democratic societies have nonetheless found it necessary to limit or restrict freedom of expression in

[3] A/HRC/2/3, para. 37.

protection of certain rights or values. This, however, should be done in a clearly defined and limited manner and should always be proportionate to the desired objective. Under international human rights law, freedom of expression is not absolute and should be exercised with responsibility and may be subject to necessary limitations as provided by law. International human rights law also provides for the prohibition of any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. Egypt is convinced that continued dialogue among countries is the best way to overcome existing differences in perception with regard to how best to deal with this important issue.

Georgia

21. Georgia referred to several articles of the country's Constitution which provide for the protection of religious freedom and against discrimination. Article 19 guarantees protection of the freedom of speech, thought and conscience, and article 155 of the Criminal Code, which concerns illegal interference with practising religion, stipulates that illegal interference with worship or other religious practice through violence or threat of violence or accompanied by abuse of religious feelings of believers or ministers of religion, shall be punished with fine or correctional labour for a term not exceeding one year or deprivation of liberty for a term not exceeding two years.

Greece

22. Greece stated that the Government has adopted a legislative, regulatory and judicial system that guarantees the protection of religion or beliefs, as well as the prohibition of discrimination, hostility or violence based on religion. The Constitution of Greece prohibits, in article 2, discrimination on various grounds, including religion or beliefs.

23. Law 97/1979 as amended criminalizes offences aimed at discriminating and penalizes acts that will fully and publicly either orally or by the press or by written texts or through depictions or any other means, incite to acts or activities which may result in discrimination, hatred or violence against individuals or groups of individuals on the sole grounds of the latter's racial or national origin or religious belief. It is also a penal offence to express publicly either orally or by the press or by written texts or through depictions or any other means offensive ideas against any individual or group of individuals on the grounds of race, national origin or religious belief.

The Islamic Republic of Iran

24. The Islamic Republic of Iran stated that it noted an increase in incidents of intolerance and discrimination against Muslims and insults against Islam, which, in its view, have become pervasive and are often condoned in certain countries and communities. The "conflation of race, culture and religion" and the fight against terrorism are among the factors that "provide fertile soil for defamation of religions", according to the submission of Iran. To confirm this trend, it cites the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance at the sixth session of the Human

Rights Council,[4] which stated that "the increasing trend in defamation of religions cannot be dissociated from a profound reflection on the ominous trends of racism, racial discrimination, xenophobia and related intolerance". The Islamic Republic of Iran submitted that "freedom of expression cannot be used as a pretext or excuse for incitement to racial or religious hatred". It also decried the "intellectual justification" of insults against Islam, which are sometimes endorsed in political platforms, and the indifference of Governments and other authorities towards these actions.

25. The Islamic Republic of Iran asserts that intolerance and discrimination on the basis of religion are inconsistent with the spirit of the Charter of the United Nations and relevant General Assembly resolutions,[5] all of which seek to promote peaceful coexistence among nations. Furthermore, according to Iran, the Universal Declaration of Human Rights (articles 1 and 2) and article 26 of the International Covenant on Civil and Political Rights clearly impose a legal obligation on States to eliminate discrimination and protect against intolerance. Iran also maintains that the Universal Declaration of Human Rights as well as the International Covenant on Civil and Political Rights, in particular the provision of article 20 (2) which prohibits "the advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence", affirm that freedom of speech entails duties and responsibilities and is subject to limitations. In this connection, Iran referred to the Human Rights Council General Comment No. 11, which recognizes that the limitations in article 20 (2) are compatible with the right to freedom of expression in article 19 of the International Covenant on Civil and Political Rights. According to Iran, the provisions of the International Covenant on Civil and Political Rights against incitement to religious hatred are legitimate safeguards against abuse of the right to freedom of expression.

26. Iran also referred to the 2001 World Conference against Racism, held in Durban, South Africa, and the unequivocal statement in the Durban Declaration and Programme of Action that "the dissemination of all ideas based upon racial superiority or hatred shall be declared an offence punishable by law". This statement, according to Iran, is consistent with article 4 (b) of the International Convention on the Elimination of All Forms of Racial Discrimination, which, Iran states, places "an obligation upon states to be vigilant and proceed against organizations that disseminate ideas based on racial superiority or hatred, acts of violence or incitements to such acts". Iran concluded that the right to freedom of expression should be exercised with the responsibilities and limitations prescribed by law and that the international community should initiate a global dialogue to promote a culture of tolerance and peace based on respect for human rights and cultural diversity. To illustrate the importance that it attaches to the fight against racism, Iran cites several initiatives that it has taken in the last few years, including hosting of the 2007 Ministerial Conference on Human Rights and Cultural Diversity.[6]

---

[4] A/HRC/6/6.

[5] The Islamic Republic of Iran referred specifically to General Assembly resolutions 62/154 on combating defamation of religions, and 55/23, on dialogue among civilizations, as well as Security Council resolution 1624 (2005).

[6] The Islamic Republic of Iran submitted the same contribution to the request for information pertaining to the implementation of Human Rights Council resolution 7/19 and General Assembly resolution 62/154.

Lebanon

27. Lebanon stated that the Directorate for Public Security monitors all forms of media in order to prevent provocation based on various grounds, including racial and religious. Lebanon also stated that its monitoring of the media is intended to prevent the dissemination of information that could incite religious hatred and/or endanger its external relations with other countries or its integrity and security.

Oman

28. The Sultanate of Oman stated that its penal code comprises articles prohibiting defamation of religions and faiths and is punishable by law. In particular, reference is made to article 130 bis which states that any person who promotes or incites religious or sectarian conflicts or theorems of hatred or strife among the population shall be punished by imprisonment for a maximum of 10 years. Article 209 of the penal code stipulates that it is a criminal offence to commit an affront to religions and faiths with a view to causing contempt.

Russian Federation

29. The Russian Federation referred to several pertinent provisions in its Constitution which concern freedom of religion and non-discrimination. In particular, the Russian Federation stated that article 18 guarantees equality of rights and liberties regardless of attitude towards religion. Article 28 guarantees the right of everyone to freedom of religion and conscience, including the right to profess any religion or to profess no religion and to freely choose, hold and disseminate religious or other beliefs and to act in conformity with them.

30. Under article 13, the Constitution prohibits the establishment and activities of public associations whose aims and actions are directed at incitement of religious strife. Article 29 prohibits propaganda of religious superiority and campaigns to incite religious hatred. Article 29 also stipulates that freedom of the mass media is guaranteed and that censorship is prohibited. However, freedom of the mass media shall not be abused to incite religious intolerance or strife.

31. The Russian Federation also made reference to several pieces of legislation in which the above constitutional provisions are further developed, including the Criminal Code. In this regard articles 63, 117, 111, 105, 280, 282 and 239 of the Criminal Code concern crimes involving religious hatred and strife; articles 2, 3 and 86 of the Labour Code concern discrimination based on religion. The Russian Federation also referred to article 3 of the Federal Law on Freedom of Conscience and on Religious Associations of 26 September 1997.

32. Specific references are made to the Federal Law of 25 December 2002 on counteracting extremist activities and amendments thereto of 2006 and 2007, which extensively deal with issues related to incitement of religious strife and hatred, including identifying cases in which registration of religious associations by the State could be refused. Statistics are also provided with regard to the number of sentences issued in connection with religion-related crimes. Reference is also made to the role and activities of civil society to counteract nationalism, xenophobia and religious strife.

Qatar

33. Qatar stated that it is concerned about incidents involving defamation of religions as it holds as a fundamental principle respect for all religions and their symbols. Qatar is of the view that the best approach to prevent defamation of religions is through cross-religion dialogue, thereby ensuring that different religious communities are sensitized to the values of each other. Towards this end, and since 2003, Qatar organizes every year international conferences on dialogue on religions. The sixth one was convened in May 2008. The highest level of leadership of the State maintains a particular interest in preventing defamation of religions and in this regard opened the first and second conferences and delivered messages which concluded that the problems surrounding religious intolerance stem from behaviours of just a few perpetrators. He specified that Muslims, Christians and Jews had lived in peace for centuries and that the clash between the three religions is directly connected to the Israeli-Arab conflict.

34. The conferences made several recommendations, including on measures that could serve to foster tolerance, and that the media and school curricula should be devoid of negative and stereotyping information concerning any of the three religions and that terrorism is not to be connected to any one religion. The conferences also recommended respect for the symbols of religions and places of worship without contradicting the right to freedom of expression. In this connection, the conferences called on the United Nations to develop a new instrument/convention that could address issues connected to respect for all religions and their symbols and limit the dissemination by the mass media, the arts and curricula of misinformation on religions.

United States of America

35. According to the United States, the concept of "defamation of religions" is not supported by international law and efforts to combat "defamation of religions" typically result in restrictions on the freedoms of thought, conscience, religion and expression. The United States asserted that from a legal perspective, the "defamation of religions" concept is deeply problematic since under existing human rights law, individuals — not religions, ideologies, or beliefs — are the holders of human rights and are protected by the law. However, the concept of defamation of religions seeks to convey the idea that a religion itself can be a subject of protection under human rights law, thereby potentially undermining protection for individuals.

36. The United States stated in addition that a defamatory statement (or other communication) is more than just an offensive one. It is also a statement that is false. Because one defence to a charge of defamation is that the statement is in fact true, the concept does not properly apply to that which cannot be verified as either true or false, such as statements of belief or opinion. Even offensive opinions and beliefs are not defamatory. It is also unclear how defamation could be defined considering that one individual's sincere belief that his or her creed alone is the truth inevitably conflicts with another's sincerely held view of the truth.

37. The United States further submitted that even if a defamation standard were to be legally enforceable, and even if it could be enforced in an equitable manner, it would lead to numerous legal claims and counterclaims between majority and minority religious communities or dissenting members of a faith. Instead of fostering tolerance, such a standard would almost certainly lead to greater conflict

and intolerance. What is considered to be a sacred statement by one may be viewed as sacrilegious to another, and could therefore be legally actionable as a "defamation of religion".

38. Regarding freedom of expression, the United States expressed the view that government should not prohibit or punish speech, even offensive or hateful speech, because of an underlying confidence that in a free society such hateful ideas will fail because of their own intrinsic lack of merit. However, freedom of expression that threatens the public good is not absolute, prohibitions are restricted to forms of expression that threaten the public good by, for example, inciting imminent violence or other unlawful activity; expression is not restricted merely for being offensive.

39. The United States agreed that more must be done to promote inter-religious understanding and believes concrete action supporting tolerance and individual rights is the best way to combat abusive actions and hateful ideologies.

B. United Nations human rights mechanisms and treaty bodies

40. While noting that other treaty bodies may have explicit competence to address religious discrimination, the Committee on the Elimination of Racial Discrimination has had numerous occasions to address double discrimination on the ground of race and religion, and has stressed the "intersectionality" of racial and religious discrimination and recommended that religious discrimination, including that against immigrant religious minorities be likewise prohibited. Furthermore, the Committee on the Elimination of Racial Discrimination reminded States that they should ensure that all persons enjoy their right to freedom of thought, conscience and religion, without any discrimination based on race, colour, descent or national or ethnic origin, in accordance with article 5 (d) of the Convention.

41. When examining periodic reports, the Committee on the Elimination of Racial Discrimination has expressed its concern about reported cases of Islamophobia following the 11 September attacks. Furthermore, while taking note that the criminal legislation of some States includes offences where religious motives are an aggravating factor, it has regretted that incitement to racially motivated religious hatred is not outlawed. The Committee has recommended that States give early consideration to the extension of the crime of incitement to racial hatred to cover offences motivated by religious hatred against immigrant communities.

42. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance submitted his report at the ninth session of the Human Rights Council[7] pursuant to resolution 7/19, in which the Council invited the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to continue to report on all manifestations of defamation of religions, and in particular on the serious implications of Islamophobia for the enjoyment of all rights to the Council at its ninth session.

43. The report of the Special Rapporteur examined the phenomenon of Islamophobia. In it, the Special Rapporteur synthesized and updated the analysis, conclusions and recommendations on defamation of religions that he had already

[7] A/HRC/9/12.

provided in various reports to the Human Rights Council and to the Commission on Human Rights. In this latest report, the Special Rapporteur cautioned, however, against prioritization of efforts to combat all forms of discrimination and asserted that there can be no hierarchy in combating discrimination which targets various religions. He referred to his previous reports in which he remarked that the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities required, inter alia, the promotion of in-depth intercultural and interreligious dialogue.

44. The Special Rapporteur participated in a panel discussion held at the first substantive session of the Preparatory Committee for the Durban Review Conference on 22 April 2008. In accordance with decision PC.2/3 adopted by the Preparatory Committee, the panel discussed the objectives of the Durban Review Conference. On that occasion, the Special Rapporteur highlighted the need to shift the present debate on the sociological concept of "defamation of religions" to the notion of incitement to racial and religious hatred as contained in international instruments, particularly the International Covenant on Civil and Political Rights. The Special Rapporteur further highlighted that the main challenge facing Member States during the review process is to transcend the North-South divisions that have characterized the recent debates on racism and to understand that racism is a global problem affecting all countries.

45. At the invitation of the Government, the Special Rapporteur on freedom of religion or belief visited the United Kingdom of Great Britain and Northern Ireland from 4 to 15 June 2007. In her report on the visit, submitted at the seventh session of the Human Rights Council (A/HRC/7/10/Add.3), the Special Rapporteur presented an overview of the international human rights obligations and the domestic legal framework on freedom of religion or belief. She agreed with the Assembly of the Council of Europe, which recommended in its resolution 1805 (2007) that the Committee of Ministers ensure that national law and practice in member States of the Council of Europe be reviewed in order to decriminalize blasphemy as an insult to a religion.

46. The Special Rapporteur reiterated that a useful alternative to blasphemy laws could be to fully implement the protection of individuals against advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence according to article 20, paragraph 2, of the International Covenant on Civil and Political Rights.

47. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on freedom of religion or belief and the Special Rapporteur for the promotion and protection of the right to freedom of opinion and expression issued a joint statement in Geneva on 28 March 2008, criticizing the provocative nature of a film depicting an extremely distorted vision of Muslims, and urging a calm and measured response to its release. The film *Fitna* illustrates an increasing pattern that associates Muslims exclusively with violence and terrorism.

48. The Rapporteurs stated that "While on the one hand, freedom of expression is a fundamental human right that must be respected, it does not extend to include incitement to racial or religious hatred, which is itself clearly a violation of human

rights. Public expressions that paint adherents of a particular religion as a threat to peace or global stability are irresponsible ... We recognize the quick and balanced reaction of the ... Government [of the Netherlands] to the release of this film in which it rejects the equation of Islam with violence and notes that the 'vast majority of Muslims reject extremism and violence' ... We believe that enhanced efforts to promote interreligious and intercultural dialogue may help to restrain any possible violent reaction".

C. United Nations bodies

Office of the United Nations High Commissioner for Refugees

49. In its contribution on the implementation of the resolution, the Office of the United Nations High Commissioner for Refugees (UNHCR) made the connection between defamation of religions and forced displacement. Defamation of religions, which foster intolerance and can result in harassment, attacks and persecution, can be a cause of flight. UNHCR stated that groups of people who belong to a minority religion or are of a particular ethnicity, for instance, may be forced to flee either within their country or to another as a result. Such groups and individuals may be associated because of their religion, ethnicity or other factors with actions perceived as defamation and face persecution as a result.

50. UNHCR submitted that where an individual fleeing persecution as a result of defamation of religions has a well-founded fear of persecution for a reason related to the refugee definition contained in the 1951 Convention relating to the Status of Refugees, this may in turn result in a need for international protection. In other situations, refugees and returnees may face problems integrating into new communities, for instance, if they are of a religious minority in their country of asylum or upon return and they are subject to intolerance by the community in which they now are because of their religious beliefs.

51. According to OHCHR, defamation of religions and the backlash which this has sometimes occasioned can have complex consequences. It can, for instance, hamper the delivery of assistance by humanitarian organizations, which may be associated by religious groups, for instance, with the nationality of a country where such defamation is reported to have taken place, including in the name of free speech. This may result in attacks on such individuals regardless of their commitment to the impartial delivery of assistance and therefore restrict the delivery of such assistance to displaced persons and others in humanitarian need.

Economic and Social Commission for Western Asia

52. The Economic and Social Commission for Western Asia (ESCWA) stated that it has witnessed a clear manifestation of defamation of religions in Western Asia in the growing rise of religious or rather sectarian tension in Western Asia. Exacerbating this state of affairs, aside from an array of political, social and economic factors, is the portrayal of religion or religious values as incompatible or opposed to human rights. In this regard, ESCWA, in partnership with a number of United Nations entities, including UNICEF, UNESCO and the Human Rights Office in the United Nations Assistance Mission for Iraq, have developed an initiative that seeks to address ethno-sectarian tension in the Arab world, which is based on the commonalities between religious, traditional, human rights and civic values.

Identifying these commonalities and projecting them in a culturally sensitive manner will serve to mitigate sectarian tension, as well as curtail defamation of religions in the region.

53. According to ESCWA, extensive research, wide consultations and creativity in identifying, articulating and presenting the commonalities between the concepts of human rights and citizenship on the one hand and cultural and religious values on the other will be undertaken. The strong analytical component of the initiative serves also to address the root causes of current sectarian tension and identify realizable and home-grown mitigating measures. The outcome of the aforementioned process will then be introduced into the mainstream culture, especially among Arab youth. This will be achieved through the production of non-formal educational material (books, board games, etc.), toolkits and communications campaigns, and training of concerned public servants and civil society activists in the utilization of these tools.

54. The main direct beneficiaries or targets of the initiative are Iraqi and Arab adolescents (12-15 and 15-18 years old). The initiative pays particular attention to women and to gender concerns. The initiative will also benefit educators from public and civic institutions, which include educators from the formal and informal education system.

D. Regional organizations

Organization of the Islamic Conference

55. The Organization of the Islamic Conference (OIC) sent to OHCHR, as its contribution, the updated version of the "OIC Observatory Report on Islamophobia" for the period of May 2007-May 2008. In the report, the OIC expresses utmost concern regarding the continued attacks by a section of marginal groups and individuals in the West on the most sacred symbols of Islam. According to the OIC, the manifestations of Islamophobia cited in the report provide sufficient evidence of the rising trend of Islamophobia in parts of the Western world.

56. The OIC submitted that the instances quoted or referred to in the report corroborate that marginal Western groups and individuals, motivated by hatred and intolerance against Muslims and Islam, remain unabated in acts of provocation and incitement of religious intolerance by misuse or abuse of the right to freedom of expression. The need to address this issue through the adoption of an adequate international instrument is underscored in the report. In the report the OIC highlights actions undertaken by the OIC General Secretariat to raise the awareness of the international community of the dangers of Islamophobia by engaging with Western interlocutors. It argued that Islamophobia reveals not only a campaign of religious intolerance but a new form of racism.

57. Regarding positive developments, the OIC also submitted that statements of some Western political leaders and think tanks, including research institutions, indicate the recognition in the West that Islamophobia is an issue of concern. The report concludes that OIC member States may continue to vigorously pursue their efforts to combat Islamophobia at the multilateral and bilateral levels.

Council of Europe

58. The Council of Europe stated that it is committed to non-discrimination and tolerance. Freedom of religion is one of the foundations of democratic society and protected under article 9 of the European Convention on Human Rights. The Council emphasized that article 9 protects the rights of individuals and cannot therefore be construed as protecting a religion as such from verbal attacks.

59. The Council provided some examples of its activities reflecting the aims of General Assembly resolution 62/154. They include activities undertaken by the European Commission against Racism and Intolerance which cover measures to combat violence, discrimination and prejudice faced by persons or groups of persons. The Commissioner for Human Rights regularly investigates the role that major monotheistic religions can play in disseminating and promoting human rights. A White Paper on Intercultural Dialogue was launched by the Committee of Ministers in May 2008. The White Paper reasons that the intercultural approach offers a forward-looking model for managing cultural diversity. The Council also contributes to the "Alliance of Civilizations" and has concluded a memorandum of understanding with the Alliance to strengthen cooperation.

E. National human rights institutions

Australian Human Rights and Equal Opportunity Commission

60. The Australian Human Rights and Equal Opportunity Commission submitted a report on the issue of combating the defamation of religions. In the report, the Commission stated that since the events of 11 September 2001, Australia, like so many other countries, had faced numerous dilemmas. The Commission raised many points. In summary, with regard to the issue of defamation of religions, in particular, it expressed the following views: it is concerned about some of the wording, focus and omissions of General Assembly resolution 62/154, but supports the broad rationale and goals that informed it; the Commission condemns all forms of violence and endorses the idea that the "civil path to peace" across the world is one that must be taken within the framework of human rights; given the extreme complexity of the issues, novel approaches should be used to find solutions to existing and emerging problems; there is a role for national human rights institutions in the area of counter-radicalization, terrorism, and the defamation of religions.

61. The Commission highlighted the risks faced by national human rights institutions, which must walk a difficult path between the competing aspects of promoting and protecting human rights, condemning violence, supporting communities, monitoring security measures, and informing policy development. It is using a whole-of-community/partnership model, based on the methodology of health promotion and the principles of human rights, to respond to this complex environment.

National Commission on Human Rights of Mexico

62. The National Commission on Human Rights of Mexico stated that there is no major obstacle in Mexico to the enjoyment of the right to freedom of religion. However, there are situations that still require improvement. The Commission

submitted a document in which it listed the actions taken to strengthen the observance of the right of freedom of religion for the period from January 2003 to June 2008. During that period, the Commission received 22 complaints related to religious intolerance or discrimination on religious grounds and it issued eight recommendations to the Government on measures which could serve to improve the situation. It organized 19 training sessions and 12 dissemination campaigns with the participation of 52 non-governmental organizations with a view to combating discrimination based on religion and supporting tolerance.

F. Non-governmental organizations in consultative status with the Economic and Social Council

63. One of the non-governmental organizations (NGOs) stated that in order to properly understand the philosophy behind "defamation of religions", it is instructive to go to the source, in this case, the countries of the Organization of the Islamic Conference, which have designed the concept. According to this NGO, an examination of the OIC conception of human rights in the areas of religious freedom and expression shows a distinct conflict with the international bill of human rights. The implementation of domestic laws to combat defamation of religions in many of those countries is said to reveal a selective enforcement towards religious minorities for violations.

64. The NGO recognized that the religious believer usually holds certain objects of belief to be of a sacred nature, and that proper respect for religions helps individuals to exercise their right to practice their religion freely. However, the NGO submitted, a clear line should be drawn between valid criticism of religion or religious practices and speech that does not serve any purpose except to offend the sacred beliefs of individuals or religions. In this regard, the NGO asserted that OHCHR and the United Nations must not allow the narrow model of "defamation of religion" to become the international standard, but should look instead to article 20 of the International Covenant on Civil and Political Rights as the proper framework to consider the issue and develop guidelines for clear application of laws that seek to protect religious beliefs.

65. Another NGO submitted that while "freedom of religion or belief has its limits, laws and mechanisms of exception targeting specific groups or that are meant to prevent so-called 'sectarian deviations' are not the right answer to perceived possible dangers". The organization reports that over the last 10 years France has been repeatedly criticized at the United Nations and at the Organization for Security and Cooperation in Europe for fostering religious intolerance and discrimination. The organization cites the examples of anti-sect parliamentary commissions that have been set up over the last 10 years in the country, the publication of reports stigmatizing small religious groups, and the adoption of laws specifically targeting them.[8]

66. An NGO expressed concern over the impact of blasphemy legislation on freedom of expression and freedom of religion, including on those who do not

[8] The same contribution was submitted in response to the request for information pertaining to the implementation of Human Rights Council resolution 7/19 of 27 March 2008 and General Assembly resolution 62/154.

practise the predominant religion in a Member State. In this connection, the NGO recommended to the Human Rights Council that the study requested in resolution 7/19 should include (a) an examination of existing blasphemy legislation, and (b) an assessment of the implications for human rights of defamation of religion legislation. The NGO also recommended that a resolution be submitted to call on the States where blasphemy constitutes a capital offence to remove the death sentence as a penalty. Additionally, the NGO suggested that United Nations bodies considering the question of defamation of religions should adopt a similar position as the Council of Europe, where freedom of expression is given much greater weight.[9]

67. Another NGO submitted a contribution which provides a general comment on resolution 7/19 and a sample of cases of individuals whose fundamental rights have been severely restricted by the application of legislation aimed at combating insult to religions. According to the NGO, the existence of legislation aimed at protecting religions from defamation can exacerbate religious tensions and could be abused to dampen legitimate criticism. It is for that reason that it is deeply disappointed with the adoption by the Council of resolution 7/19.[9]

68. An NGO stated that "defamation of religions" as a title simply cannot make sense, as there can be no defamation of an idea one holds to be truth. It needs to be changed to something less confusing, such as "the protection of religious freedom". The NGO asserted that the resolution should reaffirm the standards for protecting freedoms of thought, conscience and belief under the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. According to the NGO the resolution (a) needs to emphasize laws protecting individuals who express viewpoints and practices, thereby encouraging religious freedom; (b) should more expressly protect all religions from intolerance, not just Islam; (c) make a distinction between using religion to incite violence versus creating dialogue or offensive speech which may offend, but not harm, the listener.

69. A group of NGOs submitted in their contribution that freedom of religion should be protected systematically and without discrimination with regard to all individuals and groups. In this regard, they stated that there should be no priority given to any particular religious group or community and that this approach could only serve to reduce the universality of the right to freedom of religion and belief. The group asserted that defamation, incitement and intolerance should not be dealt with through criminal sanctions. Instead, the media, education and intercultural dialogue can be very instrumental in promoting understanding among communities of different faiths.

70. An Association submitted that although there are serious practical difficulties of definition, of legitimate exceptions or defences regarding the term "defamation of religions", the Association believes that speech designed to incite or that is patently liable to incite hatred of people on the basis of their beliefs and thus to make violence against them more likely should be outlawed. Such hatred may indeed be targeted on the basis of religion but it may equally be based on race, nationality, sexuality or some other ground.

---

[9] The same contribution was submitted to the request for information pertaining to the implementation of Human Rights Council (HRC) resolution 7/19 of 27 March 2008 and General Assembly resolution 62/154 of 18 December 2007.

71. The Association expressed the view that insult to the feelings of believers is another matter. Here the feelings exacerbated are not those of potential attackers but of the subjects ("victims") themselves. There is no intent on the part of those expressing their views to incite hatred, nor is it clearly likely that hatred will be incited. Instead, the religious believers object to expressions of criticism of their religion. They entertain and are perhaps encouraged to foster sensitivity to criticism of their religion as a religious duty or manifestation of piety. The Association submitted its conclusion that the feelings of religious believers cannot safely be protected.

III. Conclusion

72. **The General Assembly in its resolution 62/154, which forms the basis of the present report, requests that the report on the implementation of the resolution include the possible correlation between defamation of religions and the upsurge in incitement, intolerance and hatred in many parts of the world.**

73. **The replies presented in the present report indicate that States' constitutions frequently protect freedom of religion and prohibit discrimination against religions and on the basis of religious belief. Through the replies, concern is expressed as to the negative portrayal in the media of religions and in particular Islam. Similarly discrimination on the basis of religion, incitement and intolerance against an individual or group because of religion is also prohibited in the States that responded. Some States have specific provisions in their criminal codes that provide sanctions for discrimination and in particular incitement to hatred on various grounds. While in some States the terminology "incitement" is used, in others, sanctions are imposed on conduct that amount to interference with worship or religious practice through violence or threat of violence or accompanied by abuse of religious feelings of believers or ministers of religion. The desecration, damage or destruction of places of worship, religious symbols and other items related to religion are also criminalized.**

74. **Some replies addressed the tension that exists between freedom of religion and freedom of expression. Some States are unequivocal as to the special duties and responsibilities that are attached to the exercise of freedom of expression, subject to limitations as provided for by law and as necessary for respect of the rights or reputations of others, protection of national security or of public order, public health or morals and respect for religions and beliefs. But overall, the replies showed differences in interpretation on this issue.**

75. **Most of the replies which speak of defamation of religions do not reveal a common understanding of what is considered defamation of religions. Other replies suggested that the provisions of the international human rights instruments, particularly the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, provide an appropriate and adequate basis on which the legal and policy responses to incitement to hatred and violence, in particular, can be constructed.**

76. **At the national level, the reported laws and comments on defamation of religions refer to different phenomena and appear to apply various terms, such as contempt, ridicule, outrage and disrespect, to connote defamation. One State**

asserted that defamation of religions constitutes a form of incitement to religious hatred, hostility and violence against followers of these religions, which in turn leads to the denial of their fundamental rights. According to another State, the concept of defamation of religions is not supported by international law and a religion itself cannot be a subject of protection under human rights law as this would potentially undermine protection for individuals.

77. A comprehensive review of trends and patterns would be required to establish how and where incidences of religious defamation and incitement to racial and religious hatred are manifested and thereby establish the correlation between defamation of religions and the upsurge in incitement, intolerance and hatred in many parts of the world. The results of such a comprehensive review would help to evaluate the effectiveness of the existing international legal framework, as well as determine conditions facilitating dialogue and joint action for social harmony, peace, human rights and development, and for combating all forms of racism, discrimination and xenophobia.